

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

ANNUAL REPORT of the Massachusetts Commission Against Discrimination

January 1, 1962 to December 31, 1962



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SEVENTEENTH ANNUAL REPORT OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

INTRODUCTION

The dictionary defines discrimination as "an unfair or injurious distinction."

The Massachusetts Commission Against Discrimination has worked for 17 years in this field of "unfair and injurious distinction" among the citizens of the Commonwealth. In this period, we have maintained a position that ours is a job of human relations, a people to people project, a project involving public education and law enforcement.

While we believe strongly in the method of informal conference which the law provides for initially, we have not hesitated when the occasion demanded to proceed to the second stage of holding a public hearing and subsequently issuing orders to be enforced by the Superior Court.

Prejudice is an intangible — its results, however, in producing discrimination are plain to see. The Commission sees nevertheless this year, as in previous years, a steady, quiet trend away from "injurious distinctions." The changes are not dramatic nor are they widely heralded — the significant point is that they are there.

In presenting our annual report, we list statistics of these changes, but to us, each figure represents a human being to whom we have talked and with whom we have worked. We see how far we have come in a year, but we see, also, how far, with your help, we must go.

SUMMARY OF COMMISSION ACTIVITIES

The seventeenth annual report includes the period from January 1, 1962 to December 31, 1962.

The Commission investigated 318 matters involving discrimination based on race, color, religious creed, national origin, age or ancestry in the areas of fair employment, fair housing, equal treatment in places of public accommodations, and fair educational practices.

Staff members of the Commission interviewed 637 employers throughout the Commonwealth. The purpose of these interviews was to acquaint the employers with the provisions of the civil rights statutes and the interpretations and rulings of the Commission; to review employment application forms and hiring policies and to obtain compliance with that section of the fair practices law which requires the display of an official notice in a conspicuous place on the premises.

Of the 637 employers interviewed 160 were found to be using employment application forms which were in violation of the fair employment practice provision of the statute. Thirty-two employers inquired into the national origin of the applicant; two employers recorded the race; one recorded the color and one the religious creed of the applicant. The remaining employers, 124 in number, made pre-employment inquiries into the age of the applicant. All violations were eliminated.

The advertising material used by hotels, motels and guest houses are screened each year during the resort season for possible violations of the Public Accommodations statute. This year the advertising material from 1103 places of public accommodations was reviewed. No violations of the law were found.

A spot check of fifty motels was made to determine compliance with the regulation requiring display of the notice of the provisions of the public accommodations statute. All of the motels were displaying the notice.

A survey was made of the tenant selection policy of twenty-seven Public Housing

Authorities to ascertain conformance with the public housing amendment to the practices statute.

The survey included the number and names of the completed developments within each Authority's control and management; the number of incompletd developments; the number of contemplated developments; an examination of all forms and records maintained on applicants and tenants; the method and procedure used for tenant selection, and the number of non-white tenants.

The non-white population of the housing developments is recorded in the Public Housing section of this report.

Commission staff members surveyed seventy-one private housing developments, each development consisting of ten or more single houses contiguously built, in forty-one communities.

The Commission conducted a survey in the Boston area to obtain among other things the number of Negroes presently indentured as apprentices in those trades having formal apprenticeship training programs.

For the purposes of the survey 138 unions were contacted.

In addition to those who filed complaints 816 persons visited the office of the Commission to make inquiries concerning their rights and obligations under the provisions of the civil rights statutes.

The Commission members and staff conducted conferences and spoke before 135 business, civic and social organizations.

In cooperation with the Board of Registration of Real Estate Brokers and Salesmen, 30,000 copies of the public accommodations poster are being distributed. By this distribution all real estate brokers and salesmen will be placed on notice that their services must be made available to all people regardless of religion, color or race.

A study, incomplete at this time, is being made of the admission policies and practices of the 175 independent (private) secondary schools. To date, members of the staff have made personal visits to ninety-one of the schools as part of the study.

In the fall the Advisory Council on Housing was formed.

OPERATION OF THE LAW

1. *Enforcing the Law*

When a complaint is brought by an individual or his attorney, it is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint. If probable cause is found to exist, the investigating commissioner endeavors to eliminate the unlawful practice complained of by conference, conciliation and persuasion, that is, through frank discussion with the parties concerned. If necessary, the Commission has the power to subpoena. If the matter cannot be settled in the conference period it is referred to the other two commissioners for a hearing which is public. After such a hearing the Commission may issue orders which may be carried out by the Superior Court.

2. *Investigations*

An investigation deals with a situation which does not begin with a formal complaint from an individual, but it must relate to instances where trouble is manifest and can be traced to the factors of race, religious creed, national origin, age or ancestry and so is of concern to the Commission and community. The Commission recognizes what it considers to be a danger signal and tries to straighten out the matter in a cooperative manner. The information which triggers the investigation may come from a reputable source or agency or may be an incident involving an organization exempted from the provisions of the statutes. Under such circumstances the Commission invites people to a conference in an attempt to resolve the situation.

3. *Education*

The educational program attempts through Council activities, distribution of the Unit of Study, "Discrimination — Danger to Democracy," conferences, speeches, sur-

veys and the distribution of printed material to acquaint the general community with the work of the Commission to the end that public understanding, sympathy and support may be stimulated and the services given by the Commission may be made clear.

COMPLAINT HISTORIES

Employment

1. On February 21, 1962 a complaint was filed with the Commission in which an electronics company located in western Massachusetts was charged with unlawful discrimination in employment by refusing to employ a woman allegedly because of her color.

The complainant declared that she presented herself to the employment office of the company in answer to an advertisement which had made known that there were openings for experienced coil winders, assemblers and bench workers.

Complainant informed the employment office interviewer that she had applied previously and had an employment application on file with the company. When her original application form could not be found complainant was asked to complete another and to wait for an interview.

Complainant related that the personnel manager interviewed her, asked her age and previous experience and after making certain notations informed her that he would call her.

Not having heard from the company and having knowledge that the company had no colored employees, the complainant filed her charges.

Investigation revealed that the company employed seventy-five people one of whom was colored.

In addition it was shown that three white women were hired within two days subsequent to complainant's application. A comparison of qualifications showed complainant to be as well qualified by training and experience as the three women who were hired.

Probable cause was found and the complainant was given the next vacancy as a means of conciliating the matter. (Complaint No. XVII-16-C)

2. On September 18, 1962, a woman, age 51, was informed by an office manager that she would not be considered for an advertised opening for a clerk typist because the employer hired girls in their twenties only.

On September 10, 1962, the complainant had telephoned the respondent in answer to an advertisement and had been asked her age as well as prior experience. When she had given her age it was alleged that she was told that the company did not want anyone her age.

Complainant declared that on September 18, 1962 she saw the same help wanted advertisement. Complainant reminded the office manager of her telephone application for the job the week previous during which the qualification of age had been raised.

Complainant stated that she informed the office manager of her experience operating bookkeeping machines in addition to her typing skills. It is alleged that she was told that the employer wanted young girls because everyone in the company was young. A personal interview was requested by the complainant and was refused.

A verified complaint was filed charging unlawful discrimination because of age.

On September 19, 1962 the investigation was initiated.

It was found that there were twenty-six employees none of whom were over forty-five years of age.

Respondent's employment application form contained pre-employment inquiries into age.

Arrangements were made for the complainant to be interviewed by respondent.

An informal conference was held on the matter by the Investigating Commissioner with the parties at interest being present. The entire situation was thoroughly discussed resulting in the complainant being given the opportunity to fill the job. (Complaint No. AXII-6-A)

Public Accommodations

On June 29, 1962 an affidavit was submitted to the Commission by the mother of a young girl alleging a violation of the public accommodations statute, Chapter 272, Section 98 of the General Laws.

In her allegations the mother declared that her daughter, age twelve, was taken by a white family to a beach in the Springfield area.

The admission fee was paid and the young colored girl and her friends went into the water for a swim.

A short time after entering the water a person, described in the affidavit as a life-guard, called the youngster out of the water and informed her that the owner of the resort area did not want any colored people on the beach. It is alleged that he told the young colored girl that she could remain with her friends on this occasion but asked that she not return.

On the basis of the sworn statement of the mother the Commission initiated a complaint on its own.

The allegations were investigated and the facts of the matter thoroughly developed.

The owner of the beach resort denied the allegations.

The individual described in the affidavit as a life-guard was sixteen years old and employed part-time. He admitted that he did make the statements attributed to him.

The owner apologized to the mother and daughter and invited them to return to the beach as frequently as they chose to do so.

A written statement of admission policy to conform with the provisions of the statute was made part of the record of this complaint.

The child and her parents have returned to the beach and have been accorded the same treatment as every one else. (Complaint No. PXII-12-C)

Private Housing

On May 3, 1962 a complaint was filed charging a realty corporation with refusing to rent an apartment because of the color of the complainant.

According to the complaint on April 23, 1962 the complainant telephoned respondent to inquire of vacant apartments. He was given the address of an apartment in Cambridge and advised to look it over and see if it was to his liking.

Early the following day complainant's wife visited the vacant apartment and found it to be suitable.

On April 25, 1962 complainant telephoned respondent, stated that the apartment was suitable provided there was a little renovation done in the bath and kitchen. Complainant was instructed to report to respondent's office on April 27, 1962 to fill out the necessary forms and to leave a deposit.

On the appointed day at approximately 4:00 P.M. after having called to make sure the apartment was available, complainant appeared at respondent's office.

Complainant was assured that his request for renovations was reasonable. He completed a tenant application form and obtained a receipt for fifty-five dollars, the equivalent of one-half of the monthly rental. Before leaving respondent's office the head of the realty corporation came in and discussed with complainant the expense involved in renovating the apartment. He further discussed the date on which complainant could move into the apartment.

On May 1, 1962 complainant received the return of his deposit accompanied by a letter advising him that the apartment could not be rented to him.

On May 2, 1962 the wife of a friend of complainant telephoned respondent and was told that the apartment was available. This was at 12:30 P.M.

At approximately 2:40 P.M. complainant, in front of witnesses, telephoned respondent only to be told that a present tenant of one of respondent's other properties was going to rent the apartment in question.

Later that day, complainant's friend, a white person, was rented the apartment by respondent.

The investigation substantiated the allegations contained in the complaint.

An informal conference was held with the respondent at which he was told that probable cause had been found in the matter.

He was apprised of the fact that the person to whom he had agreed to rent the apartment was a "tester" who did not want the apartment.

Arrangements were made to have a release signed by complainant's friend who had been successful in obtaining the apartment.

Complainant signed a lease, paid the first month's rent and took occupancy of the apartment on May 17, 1962. (Complaint No. PrH-IV-19-C)

NEW LEGISLATION

When the age amendment was passed in 1950 specifying that a qualified person could not be denied employment because he was between the ages of forty-five and sixty-five, the Commonwealth of Massachusetts, when acting as an employer, was exempted.

The law quoted below now removes that exemption and now includes "the commonwealth and all political subdivisions, boards, departments and commissions thereof."

CHAP. 627 AN ACT RELATIVE TO THE DEFINITION OF EMPLOYER IN THE LAW RELATIVE TO UNLAWFUL DISCRIMINATION.

Approved July 5, 1962

Be it enacted, etc., as follows:

"Section 1 of chapter 151B of the General Laws is hereby amended by striking out subsection 5, as amended by section 1 of chapter 697 of the acts of 1950, and inserting in place thereof the following subsection:—

5. The term 'employer' does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ, but shall include the commonwealth and all political subdivisions, boards, departments and commissions thereof."

HOUSING

Supreme Court Decision On Constitutionality

In the last Annual Report there was published a case history which included the Findings Of Fact, Conclusions Of Law and Final Order issued by the Commission as the result of a public hearing held on a complaint involving a violation of the fair housing practices statute.

A test of the constitutionality of the law was made by the respondents in the matter. (Fowler v. Colangelo, Complaint No. PrHII-45-C)

At the time of the printing of the 1961 Annual Report the decision of the Massachusetts Supreme Judicial Court had not been handed down. It was not until May 16, 1962 that the Court, in a historic decision, the first such decision in the nation, held that the Massachusetts fair housing law of 1959 was constitutional.

The decision of the Supreme Judicial Court follows:

MASSACHUSETTS SUPREME JUDICIAL COURT

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION & another
vs.

A. J. COLANGELO & another

WILKINS, C. J. The petitioner commission, established pursuant to G.L. c. 6, section 56 (as amended through St. 1951, C. 588), brings this petition to enforce an order the commission entered against the respondents, Colangelo and Nahigian, respectively

the owner and rental agent of a new 120-unit apartment building¹ in Waltham known as Glenmeadow Apartments. G.L. C. 151B, section 6, as amended through St. 1957, c. 426, section 5. The premises are privately financed, with no governmental guaranty, insurance, or other public assistance. The case is reported without decision by a judge of the Superior Court for our determination upon the pleadings, a statement of agreed facts, and a transcript of the hearing before the commission. G.L. (Ter. Ed.) c. 214, section 31.

Maurice Fowler, the complainant in proceedings before the commission under G.L. C. 151B, Section 5 (as amended through St. 1957, c. 426, section 4; see now St. 1961, c. 570), has been allowed to intervene as a party petitioner. He is a Negro employed as a contract negotiator for the Electronics System Center of the United States Air Force located at Waltham, and is seeking to rent one of the apartments at the advertised rental of \$145 a month. On July 20, 1960, he filed a written complaint with the Commission charging the respondents with unlawful discriminatory practices. The commission conducted a preliminary investigation, followed by an unsuccessful attempt at conference, conciliation and persuasion. After a formal hearing under section 5 the commission found that the respondents had engaged in unlawful discriminatory practices as defined in section 4, as amended, in refusing to rent an apartment to Fowler because of his color. Other findings were that he had obtained comparable accommodations in Cambridge at \$175 a month. The commission also entered an order which, among other things, directed the respondents to make an apartment available to Fowler, to compensate him for the damages suffered because of the discrimination, and to cease discrimination in renting apartments.

The statutory provisions pertinent to the case at bar are G.L. c. 151B, section 4, inserted by St. 1946, c. 368, section 4 (as amended through St. 1959, c. 239, section 2)²: "It shall be an unlawful practice: . . . (subsection) 6. For the owner, lessee, sublessee, assignee or managing agent of publicly assisted or multiple dwelling or contiguously located housing accommodations or other person having the right of ownership or possession or right to rent or lease such accommodations:— (a) to refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such accommodations because of the race, creed, color or national origin of such person or persons: (b) to discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of such accommodations or in the furnishing of facilities or services in connection therewith . . . "

In c. 151B, section 1, cl. 11, inserted by St. 1957, c. 426, section 1, we read the definition, "The term 'multiple dwelling' means a dwelling which is usually occupied for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other . . . "

The principal reliance of each respondent is upon constitutional objections to these statutory provisions. Before trying to analyze those objections certain general principles should be clearly noted. "It is only when a legislative finding cannot be supported upon any rational basis of fact that reasonably can be conceived to sustain it that a court is empowered to strike it down . . . If the question is fairly debatable, courts cannot substitute their judgment for that of the Legislature." Druzik v. Board of Health of Haverhill, 324 Mass. 129, 138-139, and cases cited. Wright v. Peabody, 331 Mass. 161, 164. Commonwealth v. Chamberlain, 342 Mass. , ³. Only one whose rights are impaired by a statute can raise the question of its constitutionality, and he can object to the statute only as applied to him. Commonwealth v. Brown, 302 Mass. 523, 526, app. dism. 308 U. S. 504. Kaplan v. Bowker, 333 Mass. 455, 459-461 Silverman v. Board of Registration in Optometry, Mass. , ⁴. Yazoo & Miss.

¹The findings of the commission give the number of units as 110. The figure appears as 120 in the answer of Colangelo filed with the commission and in all the briefs.

²Later amended by St. 1960, c. 163, section 2, and St. 1961, c. 128.

³Mass. Adv. Sh. (1961), 1091, 1093.

⁴Mass. Adv. Sh. (1962), 537, 542.

Valley R.R. v. Jackson Vinegar Co. 226 U. S. 217. Corieb v. Fox, 274 U. S. 603, 606. United States v. Raines, 362 U. S. 17, 20-24. See Broadhurst v. Fall River, 278 Mass. 167, 170. The burden of overcoming the presumption of constitutionality is not sustained by generalities whether of law or fact. Specific allegations are required. Merit Oil Co. v. Director of the Div. on the Necessaries of Life, 319 Mass. 301, 305. Commonwealth v. Chamberlain, *supra*¹

In attacking the statutory provision quoted above prohibiting discrimination because of "race, creed, color or national origin" in renting or leasing accommodations in multiple dwellings as there defined, the respondent Colangelo relies upon the due process clause of the Fourteenth Amendment to the Constitution of the United States and arts. 1 and 10 of the Declaration of Rights in the Constitution of this Commonwealth. He contends that there has been an invasion of his right of "acquiring, possessing, and protecting property," and of his right of liberty of contract, and that there has been an appropriation of his property without compensation. The respondent Nahigian claims infringements on his freedom to contract with persons he chooses, on his "freedom of association," and on his "freedom from coercion," basing his claims upon art. 1 of the Declaration of Rights and on Part II, c. 1, section 1, art. 4, of the Constitution of this Commonwealth. He also cites arts. 10 and 12 of the Declaration of Rights and the Fourteenth Amendment to the Constitution of the United States.

1. Several contentions may be briefly disposed of. A suggestion of the respondent Colangelo is that there has been a taking of his property without compensation in violation of art. 10 of the Declaration of Rights. No attempt has been made to allege or prove specific damage or reduction in property value. All that this respondent says is that the "freedom of the owner to exercise his own judgment in the sale or rental of his property is the most important attribute of ownership," and that to the extent that St. 1959, c. 239, takes that right there has been a confiscation of an interest in property by the State. Clearly there has been no taking of property in a constitutional sense. Commonwealth v. Alger, 7 Cush, 53, 84-88. Locatelli v. Medford, 287 Mass. 560, cert. den. 294 U.S. 727. Opinion of the Justices, 333 Mass. 773, 777.

The respondent Nahigian is in no position to contend that there has been an infringement of his freedom of association. Whatever may be said of the right of a home owner freely to choose his neighbors or to rent only to persons of his own choice, Nahigian is merely the rental agent of a 120-unit apartment house. He is not being compelled to live near anyone by the commission's order, and he lacks standing to raise the rights of others. In answer to his argument that there has been an interference with his right to freedom from coercion, we need only to indicate that in running his realty business, he is not exempt from State regulation. See, for example, G.L. c. 112, sections 87PP-87DDD (inserted by St. 1957, c. 726, section 2), as amended. See also Seaman v. Zoning Bd. of Appeals of Holliston, 340 Mass. 488, 489; Ranke v. Corporation & Sec. Comm., 317 Mich. 304, 310; Roman v. Lobe, 243 N.Y. 41, 54-57; Payne v. Volkman, 183 Wis. 412, 419. Two cases relied upon are of no material bearing. Cantwell v. Connecticut, 310 U.S. 296, dealing with the free exercise of one's religion, and West Va. State Bd. of Educ. v. Barnette, 319 U.S. 624, concerning State compelled affirmations of belief, do not give the respondent an absolute constitutional right to implement his beliefs or prejudices by any conduct he chooses.

2. The major argument of the respondent Colangelo, as it appears to us, is that there has been an invasion of his rights in property and of his right of liberty to contract in violation of Part II, c. 1, section 1, art. 4, of the Constitution of this Commonwealth. This provision confers upon the General Court "full power and authority . . . to make, ordain, and establish, all manner of wholesome and reason-

¹Page 1093.

able . . . laws, statutes . . . so as the same be not repugnant or contrary to the constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof . . .” Article 1 of the Declaration of Rights defines as one of the “natural, essential, and unalienable rights . . . that of acquiring, possessing, and protecting property.”

(a) The respondents have shown nothing to rebut the presumption of valid statutory objectives. The respondent Colangelo complains that there are no express legislative findings as to the relationship, if any, of the amendment inserted by St. 1959, c. 239, to the public health, safety, morals or welfare. But there need be no such express findings. As was said in Merit Oil Co. v. Director of the Div. on the Necessaries of Life, 319 Mass. 301, 304-305, “The Legislature possesses a large measure of discretion to determine what the public interests require and what means should be taken to protect those interests. The field for the legitimate exercise of the police power is coextensive with the changing needs of society. The record does not negative the existence of any of the possible findings . . .”

We reject the contention that the “only discernible purpose of the statute is to make people live together in a certain pattern of color.” There are a number of possible findings which, in enacting the statute, the Legislature could have made in the legitimate exercise of the police power within the rule laid down in the Merit Oil Co. case. The respondent Colangelo concedes that the relationship to the public health and safety of statutes prohibiting discrimination because of race or color in employment and in places of public accommodation is not so remote as to be irrational (Bryant v. Rich's Grill, 216 Mass. 344; Opinion of the Justices, 247 Mass. 589, 595); and that such “discrimination because of race or color in the rental of publicly assisted housing accommodations has a real, though somewhat tenuous, relation to action by the State.” As to possible objectives, there is no constitutional distinction between legislating in these areas and legislating in the field of multiple-dwelling housing. This is apart from questions of constitutionality raised in implementing these objectives because of the degree of interference with private property rights. These are discussed below.

We enumerate certain possible findings which the Legislature could have made to support valid objectives. These are not necessarily a complete list. (1) Discrimination in multiple-dwelling and contiguously located housing might tend to restrict Negroes to a relatively small area and perhaps to encourage slum conditions through density of population. See Allydonn Realty Corp. v. Holyoke Housing Authy., 304 Mass. 288, 293-294; Papadinis v. Somerville, 331 Mass. 627, 631; Opinion of the Justices, 334 Mass. 760, 763. (2) Housing discrimination could impede the relocation of families affected by urban redevelopment programs. See Allydonn Realty Corp. v. Holyoke Housing Authy., supra, 295 (low cost housing to aid relocation); Papadinis v. Somerville, supra, 633-634 (prohibition on use of cleared land for residential purposes); Bowker v. Worcester, 334 Mass. 422, 426 (relocation plan). (3) There might be a shortage in housing from which Negroes could suffer more than other groups. See Russell v. Treasurer & Recr. Gen., 331 Mass. 501, 507. We cannot say that such possible legislative beliefs were “so irrational that none of these objects would result from the passage of the act.” Supreme Malt Prod. Co. Inc. v. Alcoholic Beverages Control Comm., 334 Mass. 59, 62. See Howes Bros. Co. v. Unemployment Compensation Comm., 296 Mass. 275, 283-284.

(b) We now come to a determination whether the means used to implement permissible statutory objectives constitute, as to these respondents, an interference with their rights of “acquiring, possessing, and protecting property” to an unreasonable degree so as to constitute an impermissible method of accomplishing those objectives. As earlier noted, the respondents have neither alleged nor attempted to prove any financial loss. The harm they allege is an invasion of their freedom to deal with their property as they wish, including their “liberty of contract.” See Commonwealth

v. Perry, 155 Mass. 117, 121; Opinion of the Justices, 267 Mass. 607, 610. Compare Opinion of the Justices, 337 Mass. 796, 798-799. A more precise statement would be that the respondents, one as owner and one as the owner's agent, are complaining about a restriction upon the ability of each to deal with the respondent Colangelo's property.

As to the respondents, we do not observe an exceeding of the limits of the police power under Part II, c. 1, section 1, art. 4, which results in a violation of art. 1 of the Declaration of Rights or in a deprivation of property without due process of law under the Fourteenth Amendment. As to them, the statutory regulation falls within the established principle that "neither property rights nor contract rights are absolute; for the government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest." Nebbia v. New York, 291 U.S. 502, 523. See Day-Brite Lighting, Inc. v. Missouri, 342 U.S. 421; Commonwealth v. Libbey, 216 Mass. 356, 357-358; Spector v. Building Inspector of Milton, 250 Mass. 63, 70; Paquette v. Fall River, 338 Mass. 368, 375-376.

The impact of G.L. c. 151B, section 4, upon the respondents we are unable to distinguish on constitutional grounds from analogous situations where statutes prohibiting discrimination have been upheld. (1) Places of public accommodation, resort, and amusement. Bryant v. Rich's Grill, 216 Mass. 344, 347-348 (constitutionality not questioned). Crawford v. Robert L. Kent, Inc. 341 Mass. 125 (constitutionality not questioned). See Opinion of the Justices, 247 Mass. 589, 595. In other States to the same effect, see Darius v. Apostolos, 68 Colo. 323, 330 (shoe shine shop); Pickett v. Kuchan, 323 Ill. 138, 141 (theatre); Bolden v. Grand Rapids Operating Corp. 239 Mich. 318, 323 (theatre); Rhone v. Loomis, 74 Minn. 200, 203 (saloon); Messenger v. State, 25 Neb. 674, 677 (barber shop); People v. King, 110 N.Y. 418-428 (roller skating rink). There is no Federal constitutional problem. District of Columbia v. John R. Thompson Co., Inc. 346 U.S. 100, 109. (2) Private employment. Highland Park v. Fair Employment Practices Comm. 364 Mich. 508, 514-518. Holland v. Edwards, 307 N.Y. 38 (constitutionality not questioned). Ross v. Arbury, 206 Misc. (N.Y.) 74 (constitutionality not questioned), aff'd. 285 App. Div. (N.Y.) 886. (3) Union membership or privileges. Railway Mail Assn. v. Corsi, 326 U.S. 88, 93-94.

Cases upholding restrictions upon the free and most profitable use of real estate persuasive by way of analogy. (1) Zoning. Spector v. Building Inspector of Milton, 250 Mass. 63, 68-70. Simon v. Needham, 311 Mass. 560, 565. Lamarre v. Commissioner of Pub. Works of Fall River, 324 Mass. 542, 545. Euclid v. Ambler Realty Co. 272 U.S. 365, 386-395. (2) Compelled remodeling. Paquette v. Fall River, 338 Mass. 368. Queenside Hills Realty Co., Inc. v. Saxl, 328 U.S. 80, 82-83. (3) Historic districts. Opinion of the Justices, 333 Mass. 773.

Perhaps the most persuasive analogy is in the field of rent control. In Russell v. Treasurer and Recr. Gen. 331 Mass. 501, 507-508, we upheld a rent control statute designed to relieve a housing shortage. Cases in the Supreme Court of the United States upholding similar statutory limitations upon what rents landlords could charge tenants are Block v. Hirsh, 256 U.S. 135, 155-158, Marcus Brown Holding Co., Inc. v. Feldman, 256 U.S. 170, 198, Edgar A. Levy Leasing Co., Inc. v. Siegel, 258 U.S. 242, 246-248. See Bowles v. Willingham, 321 U.S. 503, 516-519. These cases, to be sure, dealt with rent controls which were temporary but so were the housing shortages.

Statutes prohibiting discrimination in publicly assisted housing were upheld against charges of being a denial of the equal protection of the laws in Levitt & Sons, Inc.

v. Division Against Discrimination in the State Dept. of Educ. 31 N.J. 514, 532-534, app. dism. 363 U.S. 418 in Burks v. Poppy Constr. Co., Cal. 2d , 1 , and in Hudson v. Nixon, Cal. 2d , , 2 The court in the Levitt case intimated (page 531) that a contention that there was a want of due process likewise would have failed. In New York State Comm. Against Discrimination v. Pelham Hall Apartments, Inc. 10 Misc. 2d (N.Y.) 334, 340-342, a prohibition of discrimination as to rentals in publicly assisted housing was upheld as properly within the police power and as not an unconstitutional deprivation of property. In O'Meara v. Washington State Bd. Against Discrimination, Wash. 2d , 3 cert. den. U.S. , 4 a statute prohibiting discrimination was invalidated by a five to four vote, as a denial of equal protection because limited to publicly assisted housing. The minority would have sustained the constitutionality of the statute on all grounds, and three of the majority intimated that but for the unreasonable classification, the statute would have been valid.

The respondents seem to accept that the cases upholding anti-discrimination statutes are based upon sound constitutional principles. The respondent Colangelo concedes that the "rent control cases are closer to the case at bar," and that "discrimination because of race or color in the rental of publicly assisted housing accommodations has a real, though somewhat tenuous relation to action by the State." The respondent Nahigian argues that anyone accepting government assistance, such as the Federal Housing Administration and the Veterans' Administration, must do so on the government's terms and conditions.

No part of G.L. C. 151B is a condition imposed by the Federal Housing Administration or the Veterans' Administration. The problem we are considering at this point is whether this Commonwealth may legislate for valid objectives by imposing these restrictions on the freedom of these respondents in choosing tenants for their privately financed multiple-dwelling.

If the cases upholding anti-discrimination statutes are soundly decided, as we believe they are, there is no valid distinction on constitutional grounds from the case at bar. The lack of public assistance to the respondents' apartment house is not of crucial significance. The cases of Burks v. Poppy Constr. Co. Cal. 2d , , 5 Lee v. O'Hara, Cal. 2d , , 6 Vargas v. Hampson, Cal. 2d , , 7 and Martin v. New York, 22 Misc. 2d (N.Y.) 389 have so held. The California court upheld the application of a statute prohibiting discrimination in "all business establishments" to the owners and sellers of a tract of houses, and to real estate brokers.

Section 4, subsection 6, is really aimed at preventing discrimination in the business of housing. In its application to privately financed multiple-dwelling and contiguously located housing accommodations, the statute seeks to reach leasing and selling when conducted as a business. As related to these respondents there is regulation of the 120-unit housing operation, which has not been shown to be substantially burdensome. The statute is in pattern with other anti-discrimination legislation. General Laws c. 272, section 92A (as amended through St. 1953, c. 437), and section 98 (as amended through St. 1950, c. 479, section 3) apply in "A place of public accommodation, resort or amusement . . . (which) shall be deemed to include any place, whether licensed or unlicensed, which is open to and accepts or solicits the patronage of the general public . . ." Specifically enumerated are, among others, hotels, resorts, public carriers, garages, retail stores, restaurants, rest rooms, theatres and hospitals run for a profit.

1. 57 Cal. Adv. Rep. 503, 515-516

2. 57 Cal. Adv. Rep. 523, 524.

3. 365 P 2d 1.

4. (1962) 30 U.S.L. Week, 3307

5. 57 Cal. Adv. Rep. 503, 511-512.

6. 57 Cal. Adv. Rep. 517, 518

7. 57 Cal. Adv. Rep. 519, 521-522.

3. We next give attention to the findings and order. General Laws c. 151B, section 6 (as amended through St. 1957, c. 426, section 5), reads in part: "No objection that has not been urged before the commission shall be considered by (superior) court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances." No issue as to the findings and the order was raised before the commission. Counsel for each respondent chose to be present at the hearing solely to test constitutionality and did not interrogate the witnesses. Following the filing of the findings and order they took no action before the commission.

Under an identical statutory provision, the New York Court of Appeals held that objections to an order not advanced until after the agency sought judicial enforcement of its order came too late. *Holland v. Edwards*, 307 N.Y. 38, 45-46. See, to the same effect, *May Dept. Stores Co. v. National Labor Relations Bd.*, 326 U.S. 376, 386n; *National Labor Relations Bd. v. Cheney Calif Lumber Co.* 327 U.S. 385, 388-389; *National Labor Relations Bd. v. Seven-Up Bottling Co. of Miami, Inc.*, 344 U.S. 344, 350. In the disposition we make of this case we do not follow the procedure of the cited cases in the present circumstances. In subsequent cases, however, the parties will be on notice from this opinion, as well as from the statute, that they should raise before the commission any issues which they intend to present upon a judicial review of the commission's decision.

The respondent Colangelo does not question the findings and the order in his answer to the enforcement petition. The respondent Nahigian alleges that both the findings and the order are, as to him in excess of the statutory authority of the commission and are unlawful and null and void; and that the "order is arbitrary, capricious, constitutes an abuse of discretion and is otherwise not in accordance with the provisions of c. 151B."

In his brief the respondent Colangelo argues that the order is void and should not be enforced, and that the findings are not supported by substantial evidence as required by G.L. c. 30A, section 14 (8) (e). He cites art. 15 of the Declaration of Rights. The respondent Nahigian in his brief argues that portions of the order are invalid and should not be enforced. It is at least doubtful whether he could, in any event, raise certain of these points on his own behalf although the respondent Colangelo might do so, since the impact of most of the order's provisions upon the respondent Nahigian is only in his capacity as agent for Colangelo.

Not all these issues have been argued with sufficient definiteness to be a compliance with Rule 13 of the Rules for the Regulation of Practice before the Full Court (1952), 328 Mass. 698. Many terms of the order vitally affect the rights of the respondents and will continue to do so for some time to come. On the issue of discrimination, however, the finding is clearly supported by substantial evidence.

Under the terms of the report we are in the same position as was the Superior Court at the time of the filing of the enforcement petition. G.L. c. 151B, section 6, c. 214, section 31. This includes the power "to make and enter . . . an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission . . ." G.L. c. 151B, section 6. The section just cited allows any party to move "to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission."

Section 6 also provides, "The order or decision of the commission shall be reviewed in accordance with the standards for review provided in paragraph (8) of section fourteen of chapter thirty A." Section 14 allows remand to the agency in certain circumstances, for example, where the substantial rights of a party may have been prejudiced or where the agency decision is in excess of statutory authority.

This being the first case of its kind to reach this court, it would be unfortunate if certain features of the order, which may become standard, should be established by

default. Various parts of the order raise doubts whether the commission has not in some respect exceeded its authority by imposing requirements upon the respondents which seem particularly extreme in a case of first impression where the basic issue is one of the general constitutionality of the statute. Accordingly, in the interests of justice and of a helpful presentation of similar cases in the future, we shall deal with the order in the following manner.

Paragraphs 1 (a) and 2 (a) of the order¹ are properly enforceable except for the reference (set out in the footnote in supplied italics) to "the most favored tenant or tenants" in paragraph 2 (a) (ii). A definite prohibition of discrimination against the intervener is what the statute authorizes. The "most favored" reference is unnecessarily vague, is not limited to tenants occupying \$145 accommodations, and could lead to controversy in enforcement. The italicized clause should be eliminated from paragraph 2 (a) (ii).

With respect to the remaining paragraphs of the order other than paragraph 1 (a) and paragraph 2 (a), if either or both of the respondents within seven days from the date of the rescript file a motion or motions with this court asking that the case be recommitted to the commission for further proceedings relating to certain specific issues raised by the remaining paragraphs, we shall make a further direction.

A decree is to be entered enforcing paragraph 1 (a) and 2 (a) of the commission's order, but with the "most favored tenant" clause eliminated. If no motion respecting the remaining paragraphs of the order be filed as above provided, a supplementary decree is to be entered enforcing the remaining paragraphs.

So ordered.

DECISION OF JUSTICE JACOB J. SPIEGEL

SPIEGEL, J. The majority opinion sets forth a sound legal basis for upholding the constitutionality of the fair housing practices law (G.L. c. 151B) as it relates to privately owned multiple dwellings. With this interpretation of the statute I am in complete accord. I cannot, however, agree with the limitation of the order of the commission which the court imposed.

There is no doubt that the respondents were engaged in unlawful discrimination against the intervener. The court held that "the issue of discrimination . . . the finding is clearly supported by substantial evidence."

¹"Upon the basis of the foregoing Findings of Fact and pursuant to section 5, c. 151B, of the General Laws of Massachusetts, it is hereby ordered, by the Massachusetts Commission Against Discrimination that the respondents A. J. Colangelo and John Nahigian, their agents, servants, employees, assigns and successors shall:

"1. Cease and desist from:

"a. Denying to and withholding from complainant, Maurice Fowler, an apartment, together with the privileges and services and facilities relating thereto, at premises 1105 Lexington Street, Waltham, Massachusetts, known (and herein and after referred to) as Glenmeadow Apartments, . . .

"2. Take the following affirmative action, which in the judgment of the Massachusetts Commission Against Discrimination, will effectuate the Massachusetts Fair Housing Practices Law:

"a. With respect to the housing accommodations sought by complainant:

"(i) Set aside for, and offer to lease forthwith to, the complainant, the leasing period to commence at such time as the complainant can conveniently terminate or satisfactorily modify his present rental arrangements, an apartment of the type for which he applied at Glenmeadow Apartments or a substantially similar apartment, at a rental of \$145 per month, for a period of not less than two years from the date of the right to occupancy under the lease. The complainant shall have a reasonable period of time to accept or reject said offer to lease.

"(ii) If the complainant accepts such offer to lease, the respondents shall execute a written lease of the apartment to the complainant within five (5) days after receipt of written notice of such acceptance. The terms and conditions of such lease shall be substantially similar to the terms and conditions of leases executed by tenants or other apartments at Glenmeadow Apartments during the period August 1, 1960, to December 31, 1960; *and the complainant shall be accorded substantially the same privileges, services, benefits and rental concessions accorded to the most favored tenant or tenants in Glenmeadow Apartments, whether such privileges, services, benefits or rental concessions have been granted by terms of lease or otherwise to such tenant or tenants.*

"(iii) If the complainant accepts the apartment and executes a lease therefor as aforesaid, respondents shall make said apartment available to the complainant fully ready for occupancy within ten (10) days after the execution of the lease, or at such other reasonable time as the complainant shall request . . ."

The testimony at the hearing before the commission is overwhelming as to the discrimination practiced by the respondents against the intervenor. The record also reveals the flimsy pretexts resorted to by the respondents to conceal their practice of discrimination. The pretenses used by them to cloak their real intentions are hardly conducive to the belief that other prospective tenants would not be subjected to similar tactics.

I readily concede that legislation, in and of itself, cannot eradicate bias and prejudice from the minds of men. It may be argued that discrimination in the selection of tenants for a multiple dwelling is not an indication of personal bias on the part of a landlord. In my view, however, discrimination based on the hope of monetary gain and not upon a personal prejudice is even more reprehensible. In either event, I find no rational excuse for such behavior.

When a person acts so as to create a "second class" of citizens, then the injunctive provisions of the law to prevent a recurrence of such a classification should be applied to the fullest extent.

Because this is a case of first impression does not appear to me to be a sufficient reason for the court's hesitancy in enforcing paragraphs 1 (b) and 2 (b) of the order of the commission which require the respondents to cease and desist from "giving consideration to the factors of race, creed, color or national origin in seeking and handling applications for apartments at Glenmeadow Apartments, in making inquiry as to the qualifications for tenancy of applicants for apartments at Glenmeadow Apartments, in passing upon such qualifications and in accepting or rejecting said applicants, in negotiating for and executing leases at Glenmeadow Apartments and in giving occupancy to tenants at Glenmeadow Apartments, and in the conditions and privileges of tenancy at Glenmeadow Apartments and in the furnishing of facilities or services in connection therewith" (paragraph 1 /b/), and to "apply the same standards of evaluation to all applicants for apartments at Glenmeadow Apartments, without regard to race, creed, color or national origin" (paragraph 2 /b/).

These paragraphs of the commission's order are neither arbitrary nor unreasonable. They are necessary to secure full compliance with the provisions of the statute. See *International Salt Co., Inc. v. United States*, 332 U.S. 392, 400; *Federal Trade Comm. v. National Lead Co.* 352 U.S. 419, 429-430.

It is my belief that the commission was thoroughly justified in refusing to give the respondents another chance to engage in an illegal act or acts of discrimination against others without taking the risk of being found guilty of contempt.

In addition to those paragraphs of the order of the commission enforced by the court, I would enforce paragraphs 1 (b) and 2 (b) quoted above.

DECISION OF JUSTICE PAUL G. KIRK

KIRK, J. I cannot in conscience accede to the views of my esteemed colleagues. At the same time I doubt if any useful purpose would now be served by a lengthy dissent, or by pointing out what I deem to be the frailties and the fallacies of the majority opinion. The opinion provides, I respectfully suggest, a fragile platform for this 'great leap forward.'

The banishment of discrimination because of race, creed, color or national origin is a wholly desirable moral and social objective. The objective has been pursued vigorously and relentlessly. Voluntary private associations have labored for it. The religious have preached and strived for it. The expenditures of vast sums of public funds for various public purposes at all echelons of government have been made subject to it. Regulatory and licensing powers over private business enterprises which cater to the transient and casual conveniences or desires of the public at large have been exercised to promote it. The results of these and other efforts have yet to be measured and made known.

And now, indeed by a six-word amendment,¹ purely private property lies exposed to the full impact of the drive. It should give us pause.

¹St. 1959, c. 239, §2.

The subject of the legislation is the owner (or the person in control) of purely private property which is to be used as a home for three or more families (a "family" may consist of one person living alone, G.L. c. 151B, § 1, cl. 11). The effect, if not the object of the legislation, under the shibboleth of antidiscrimination, is to authorize a public body to determine who shall occupy the privately owned premises and to apply sanctions for disobedience to its determination. This is, I respectfully submit, a deprivation of one of the essential attributes of ownership and an invasion of a constitutionally protected interest to an extent which has never before been attempted in this Commonwealth.

I firmly believe that such a deep invasion of rights in purely privately owned property for residence purposes is repugnant to, and cannot stand in conflict with, the "natural, essential, and unalienable rights . . . of acquiring, possessing, and protecting property" recognized and protected by art. 1 of the Declaration of Rights.

The court has, nevertheless, given its approval to the legislation without the slightest showing which would justify it even temporarily or on an emergency basis. Surely this court as the guardian of our Constitution should require more than mere legislative fiat before countenancing legislation of this character. The bare exercise of the police power by the Legislature should not, ipso facto, be held to constitute, in all cases, a legitimate exercise thereof. Thus to hold would drain the constitutional restraints of their vitality. However, in context, the fair implication of the majority opinion is that the legislative act is conclusive.

It is also my firm conviction that the degree of interference authorized by the statute constitutes an appropriation for a public purpose of the owner's property without his consent, with no showing that "the public exigencies require" it, and for which the owner has received no compensation whatsoever. This is in direct violation of art. 10 of the Declaration of Rights and the Fourteenth Amendment to the Constitution of the United States.

Finally, the commission in its order has resorted to coercive measures¹ which I think are per se both alien and inimical to the letter, the spirit and the principles of the Constitutions of our Commonwealth and our country. I would so hold.

The complainant, Maurice Fowler, was given a lease and took occupancy of an apartment made available to him.

¹The commissioner's order to the respondents, quoted in part in the footnote of the majority opinion, continues as follows in paragraph 2:

"c. Issue written instructions in a form satisfactory to the Commission to all agents, servants and employees of Glenmeadow Apartments and Auburndale Realty, and to all other persons now engaged or employed, or who may hereafter be employed or engaged within one year of the date of this order by the respondents, explaining the requirements and objectives of the Massachusetts Fair Housing Practices Law and advising each such person of his individual responsibility for compliance with the Massachusetts Fair Housing Practices Law and his obligation to make such compliance meaningful and effective. Copies of such instructions signed by the said persons individually and acknowledging receipt and understanding thereof shall be transmitted to the Commission by the respondents.

"d. Post the Commission Notice conspicuously in easily accessible and well-lighted places at Glenmeadow Apartments, where it may be readily observed by those seeking housing accommodations or facilities or services in connection therewith.

"e. Transmit to the Commission forthwith a statement listing each of the apartments at Glenmeadow Apartments, which on the date of this order, was not rented or leased, giving the designation of the apartment, the number of rooms and the rental being asked.

"f. Include forthwith in their usual advertising media for the next ninety (90) days in all advertisements for Glenmeadow Apartments including newspaper, brochure, pamphlet, booklet, sign or otherwise, a separate statement in bold type couched in a form satisfactory to the Commission giving notice that Glenmeadow Apartments are subject to the Massachusetts Fair Housing Practices Law and that the apartments therein are available for rental without reference to race, creed, color or national origin.

"g. Compensate the complainant in full for the following monetary damages incurred by him on account of the respondent's discrimination:

"(i) The difference between the rental for an apartment at Glenmeadow Apartments and the rental he paid to live elsewhere from November 1, 1960, to March 1, 1961, or to such other date as the complainant may conveniently occupy an apartment in Glenmeadow Apartments, whichever date comes first.

"(ii) In the event the complainant accepts a lease at Glenmeadow Apartments, the cost of moving his furniture from his present residence to Glenmeadow Apartments.

"(iii) In the event the complainant accepts a lease at Glenmeadow Apartments, any reasonable amount he may be obligated to pay in order to terminate or modify his present rental arrangements.

"3. Notify the Massachusetts Commission Against Discrimination at its offices at 41 Tremont Street, Boston 8, Massachusetts, in writing within thirty (30) days of the date of service of this order, as to steps respondents have taken to comply with each item in this Order."

Fair Housing Formal Hearing

During the year of this report there were two complaints certified to a public hearing. Both complaints concerned violations of the fair housing practices statute.

The history of one of the complaints including its final settlement follows:

On September 24, 1962 Mr. Simon Turner of Roxbury filed a verified complaint alleging that on the day previous he had been told by the owner of a multiple dwelling that he could not rent a vacant apartment because of his color.

In the Boston Sunday Globe of September 23, 1962 there appeared an advertisement for a vacant apartment located at 6 Alexander Street, Dorchester. The apartment as advertised included six rooms, gas heat and a rental of fifty-five dollars per month. A telephone number listed in the advertisement was called and the owner informed Mr. Turner that the apartment was available and that he was welcome to take a look at it. Complainant was instructed to obtain the key from either the first or second floor tenants. If after viewing the apartment complainant was still interested he could come to the owner's house at 389 Morrissey Boulevard, Quincy and make a deposit. The owner gave his name as Shea.

Complainant declared in his sworn statement that he went to 6 Alexander Street and after talking with the first and second floor tenants and being told that they did not have a key he tried the door to the vacant apartment on the third floor. The door was unlocked and he and his wife viewed the apartment.

In the evening, accompanied by his brother-in-law, complainant drove to Quincy to see the owner. Mr. Shea, according to the complainant, answered the door-bell. When told that it was he to whom Mr. Shea had spoken to earlier about placing a deposit the complainant alleged that Mr. Shea refused to rent the apartment to him because of his color. In addition, complainant alleged that Mr. Shea gave as his reason that all of his tenants were white and that "they did not want to mix the races."

On September 25, 1962 an investigation of the allegations was begun. It revealed that the property in question was owned by Michael E. and Nora Shea and that it constituted one of many parcels of real estate owned by the Sheas.

Mr. Shea admitted that he had informed the complainant that he could not rent to him because his white tenants would move out and because they did not believe in mixing the races.

He claimed that the apartment had been rented before the complainant had come to his home with the deposit. Mr. Shea produced a hand-written receipt for five dollars which he claimed proved his contention that the apartment had been rented. He had no record of the name and address of the person to whom he claimed he had rented the apartment. The receipt was dated September 24, 1962 the day after the complainant had applied for the vacancy.

The Investigating Commissioner found probable cause and on October 2, 1962 issued a three day notice informing the respondent that he was applying to the Superior Court for an injunction to restrain respondent from renting the apartment until the matter had been adjudicated.

On October 8, 1962 as the result of a trial the Court granted a restraining order to remain in effect for sixty days.

Attempts to conciliate having failed the complaint was certified for a formal hearing.

On November 1, 1962 the formal hearing was held before Commissioners Mildred H. Mahoney and Ben G. Shapiro. The hearing lasted a full day and 162 pages of testimony were taken.

The Findings Of Fact, Conclusion Of Law And Order of the Commission was issued on November 30, 1962.

Respondents appealed for modification of the Order and on December 17, 1962 a stipulation was drawn and signed by the Commission and the respondent.

Mr. and Mrs. Turner and their four children were given occupancy forthwith.

The Findings Of Fact, Conclusion Of Law And Order as well as the stipulation modifying the Order follows:

THE COMPLAINANT

1. The complainant, Simon Turner, is a Negro, married with three children at the time of the complaint and has four children at this time, of legal age and is employed by General Plating Corporation, 228 Broadway, Cambridge, Massachusetts.

2. On or about September 23, 1962, the complainant, Simon Turner, sought to rent an apartment at 6 Alexander Street, Dorchester, Massachusetts at a monthly rental of \$55.00 per month which apartment had been advertised on that day and at a previous time as available for rental purposes. The complainant sought the apartment at 6 Alexander Street, Dorchester, Massachusetts on account of the financial burden of maintaining the apartment in which he lived at that time.

HOUSING ACCOMMODATIONS

3. The premises at 6 Alexander Street, Dorchester, Massachusetts is a multiple apartment dwelling with accommodations for four families.

THE RESPONDENTS

4. The respondents, Michael E. and Nora Shea, reside at 389 William Morrissey Boulevard, Quincy, Massachusetts and own the multiple dwelling at 6 Alexander Street, Dorchester, Massachusetts.

THE UNLAWFUL DISCRIMINATORY PRACTICES

5. The respondents have discriminated and are discriminating against the complainant by refusing to rent or lease and by otherwise denying to and withholding from him, because of his color, housing accommodations located in multiple dwelling premises at 6 Alexander Street, Dorchester, Massachusetts.

ORDER

Upon the basis of the foregoing Findings Of Fact and pursuant to Section 5, Chapter 151B, of the General Laws of Massachusetts, it is hereby

ORDERED, by the Massachusetts Commission Against Discrimination

That the respondents Michael E. and Nora Shea, their agents, servants, employees, assigns and successors shall:

1. Cease and desist from denying to and withholding from the complainant, Simon Turner, the instant apartment on the third floor of the multiple dwelling at 6 Alexander Street, Dorchester, Massachusetts, Suffolk County, Commonwealth of Massachusetts, together with the privileges and services and facilities relating thereto.

2. Take the affirmative action, which in the judgment of the Massachusetts Commission Against Discrimination, will effectuate the Massachusetts Fair Housing Law:

a. With respect to the housing accommodations sought by complainant:

- (i) Set aside for, and offer to lease in writing forthwith to the complainant, the leasing period to commence at such time as the complainant can conveniently terminate or satisfactorily modify his present rental arrangement, at a rental of fifty-five dollars (\$55.) per month, the instant apartment on the third floor of the premises at 6 Alexander Street, Dorchester or a substantially similar apartment at that address which the complainant deems acceptable, for a period of one year or such lesser period as the complainant deems acceptable.
- (ii) If the complainant accepts such offer for written lease, the respondents shall execute a written lease of the apartment to the complainant within five (5) days after the receipt of written notice of such acceptance. The complainant shall be accorded substantially the same privileges, services, benefits and rental concessions accorded the other tenants at 6 Alexander Street, Dorchester whether such privileges, services, benefits or rental concessions have been granted by terms of written lease or otherwise to such tenant.
- (iii) If the complainant accepts the apartment and executes a lease therefor as aforesaid, respondents shall make said apartment available to the

complainant fully ready for occupancy within ten (10) days after the execution of the lease, or at such other reasonable time as the complainant shall request.

3. Notify the Massachusetts Commission Against Discrimination at its offices at 41 Tremont Street, Boston 8, Massachusetts, in writing within thirty (30) days of service of this Order, as to steps respondents have taken to comply with each item in this Order.

STIPULATION

WHEREAS, the Commission Against Discrimination has found that the Respondents have discriminated against the Complainant by refusing to rent to him an apartment in the multiple dwelling located at 6 Alexander Street, Dorchester, Massachusetts:

WHEREAS, the Commission Against Discrimination promulgated an Order against the Respondents on November 30, 1962 directing them to rent an apartment to the Complainant at 6 Alexander Street, Dorchester, Massachusetts on terms set out in that Order:

WHEREAS, the parties have agreed to a modification of that Order which will remain in effect as long as the Respondents abide by the terms of said modification: NOW THEREFORE, it is agreed as follows:

1. The Respondents will make the third floor apartment at 6 Alexander Street, Dorchester, Massachusetts available to the Complainant on January 1, 1963.

2. The rent for said apartment will be \$55.00 a month for four months from January 1, 1963.

3. In addition to the rent, the Complainant will pay for the following utilities:
a. Electricity
b. Gas for heating and for the stove.

4. The Respondents may not require an increase in rent from the Complainant prior to May 1, 1963, and then only after having given thirty (30) days notice to the Complainant.

5. The Respondents may not increase the rent of the Complainant unless they furnish to the Commission Against Discrimination evidence satisfactory to the Commission that other tenants at 6 Alexander Street, Dorchester, Massachusetts are paying the same or comparable rents.

6. In no event may the Respondents raise the rent of the Complainant above \$75.00 a month.

7. It is expressly understood that the Failure of the Respondents to carry out the terms of this agreement will result in the termination of this agreement and the institution of appropriate legal action to carry out the terms of the Order promulgated by the Commission Against Discrimination on November 30, 1962.

8. In the event that the Respondents sell or in any other way dispose of their interest in the premises at 6 Alexander Street, Dorchester, Massachusetts while the Complainant is a tenant there, the Respondents will notify the Commission Against Discrimination of that fact and will also notify the prospective third party purchaser of the property at 6 Alexander Street, Dorchester, Massachusetts of the tenancy of the Complainant under the terms and conditions of this Stipulation and the Order of the Commission dated November 30, 1962.

9. It is understood and agreed that so far as permitted by law any third party buyer for value taking title to the instant premises within the time limited by this Stipulation and the Order of November 30, 1962 will do so subject to all rights and obligations existing by their terms among Complainant, Respondents and the Commission Against Discrimination. (Complaint No. PrH-IV-44-C)

Public Housing Survey Statistics

One of the activities of the Commission is to make a tenant selection survey each year of Public Housing Authorities.

This year twenty-seven Authorities were surveyed.

To permit a comparison the statistics of the non-white tenant population for the years 1960, 1961 and 1962 are recorded in this section.

BOSTON HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|--------------------------------|---------------|---------------------------|--------------|--------------|
| | | 1960 | 1961 | 1962 |
| Broadway | 972 | 13 | 14 | 15 |
| Camden Street | 72 | 71 | 71 | 71 |
| Commonwealth | 648 | 18 | 18 | 14 |
| Faneuil | 258 | 2 | 2 | 2 |
| Fairmount | 202 | 0 | 0 | 0 |
| Archdale | 288 | 5 | 5 | 4 |
| Orient Heights | 354 | 5 | 7 | 5 |
| Gallivan Boulevard | 251 | 0 | 0 | 0 |
| Franklin Field | 504 | 20 | 13 | 16 |
| South Street | 132 | 0 | 0 | 0 |
| TOTAL | 3,681 | 134 | 130 | 127 |
| FEDERAL PROGRAM | | | | |
| Charlestown | 1,149 | 4 | 5 | 4 |
| Mission Hill | 1,023 | 0 | 0 | 1 |
| Lenox Street | 306 | 305 | 299 | 298 |
| Orchard Park | 774 | 143 | 179 | 235 |
| South End | 558 | 259 | 271 | 275 |
| Heath Street | 420 | 2 | 6 | 11 |
| East Boston | 414 | 0 | 0 | 0 |
| Franklin Hill Avenue | 375 | 15 | 16 | 15 |
| Whittier Street | 200 | 188 | 187 | 185 |
| Washington and Beech Sts. | 274 | 2 | 2 | 3 |
| Mission Hill Extension | 588 | 476 | 492 | 504 |
| Bromley Park | 732 | 171 | 188 | 196 |
| Columbia Point | 1,504 | 166 | 184 | 204 |
| Old Harbor Village | 1,016 | 0 | 0 | 0 |
| Old Colony | 873 | 2 | 2 | 0 |
| TOTAL | 10,156 | 1,733 | 1,831 | 1,931 |
| HOUSING FOR THE ELDERLY | | | | |
| Bickford | 64 | — | — | 8 |
| Jamaica Pond | 44 | — | — | 0 |
| Annapolis | 56 | — | — | 1 |
| Ashmont | 54 | — | — | 0 |
| Elm Hill | 86 | — | — | 15 |
| Franklin Field | 80 | — | — | 1 |
| TOTAL | 384 | | | 25 |

BROCKTON HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-----------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 284 | 6 | 10 | 10 |
| FEDERAL PROGRAM | 100 | 7 | 7 | 8 |

CAMBRIDGE HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|--------------------------|--------------|---------------------------|-----------|-----------|
| | | 1960 | 1961 | 1962 |
| Woodrow Wilson Court | 69 | 2 | 2 | 3 |
| Jefferson Park | 109 | 11 | 7 | 9 |
| Lincoln Way | 60 | 2 | 1 | 2 |
| Roosevelt Towers | 228 | 20 | 21 | 22 |
| Jackson Gardens | 46 | 0 | 0 | 0 |
| Jefferson Park Extension | 200 | 13 | 9 | 11 |
| TOTAL | 712 | 48 | 40 | 47 |

FEDERAL PROGRAM

| | | | | |
|-----------------|-----|-----|----|-----|
| Washington Elms | 324 | 39 | 38 | 39 |
| Putnam Gardens | 123 | 45 | 42 | 43 |
| New Towne Court | 294 | 12 | 14 | 16 |
| Corcoran | 152 | 4 | 4 | 5 |
| TOTAL | 893 | 100 | 98 | 103 |

FALMOUTH HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Amvets Avenue | 50 | 6 | 5 | 4 |
| Mayflower | 24 | 0 | 0 | 0 |
| TOTAL | 74 | 6 | 5 | 4 |
| HOUSING FOR THE ELDERLY | | | | |
| Salt Sea | 30 | — | — | 1 |

HOLYOKE HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|------------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Beaudoin Village | 219 | 8 | 1 | 1 |
| Minnie R. Dwight Village | 42 | 0 | 0 | 0 |
| Edwin A. Seibel Apartments | 40 | 0 | 0 | 0 |
| TOTAL | 301 | 8 | 1 | 1 |
| FEDERAL PROGRAM | | | | |
| Jackson Parkway | 219 | 1 | 0 | 0 |
| Lyman Terrace | 167 | 3 | 4 | 4 |
| Henry Toepfert Apartments | 98 | 5 | 5 | 16 |
| TOTAL | 484 | 9 | 9 | 20 |
| HOUSING FOR THE ELDERLY | | | | |
| John J. Zeilinski Apartments | 64 | — | — | 0 |
| P. A. Coughlin Apartments | 55 | — | — | 0 |
| Beadry Boucher Apartments | 31 | — | — | 1 |
| TOTAL | 150 | | | 1 |

NEW BEDFORD HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|------------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Parkdale | 100 | 3 | 3 | 4 |
| Blue Meadows | 150 | 14 | 14 | 15 |
| Nashmont | 80 | 0 | 0 | 0 |
| Crestview-Westwood (Elderly) | 75 | 2 | 2 | 1 |
| TOTAL | 405 | 19 | 19 | 20 |
| FEDERAL PROGRAM | | | | |
| Bay Village | 200 | 143 | 155 | 163 |
| Presidential Heights | 200 | 2 | 0 | 2 |
| Brickenwood | 300 | 18 | 16 | 17 |
| Westlawn | 200 | 42 | 44 | 47 |
| TOTAL | 900 | 205 | 215 | 229 |

PITTSFIELD HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|----------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Wilson Park | 126 | 0 | 0 | 0 |
| Francis Plaza (Elderly) | 40 | 0 | 1 | 1 |
| Wahconah Heights (Elderly) | 68 | 0 | 0 | 0 |
| TOTAL | 234 | 0 | 1 | 1 |
| FEDERAL PROGRAM | | | | |
| Victory Hill | 99 | 0 | 0 | 0 |

PLYMOUTH HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-------------------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Olmstead Terrace and Standish Court | 40 | 1 | 2 | 3 |

SPRINGFIELD HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|---------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Reed Village | 200 | 15 | 18 | 32 |
| Robinson Gardens | 136 | 12 | 12 | 12 |
| Duggan Park | 196 | 12 | 16 | 20 |
| Carpe Diem (Elderly) | 75 | 1 | 1 | 1 |
| Harry P. Hogan Apartments | 32 | — | 3 | 3 |
| TOTAL | 639 | 40 | 50 | 68 |

WORCESTER HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-------------------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Curtis Apartments | 390 | 9 | 5 | 6 |
| Lakeside Apartments | 204 | 0 | 0 | 0 |
| George F. Booth Memorial Apartments | 75 | 0 | 0 | 1 |
| TOTAL | 669 | 9 | 5 | 7 |
| FEDERAL PROGRAM | | | | |
| Great Brook Valley Gardens | 600 | 17 | 19 | 17 |
| Mayside Lane Apartments | 50 | — | 0 | 0 |
| Addison Streets Apartments | 50 | — | 0 | 0 |
| TOTAL | 700 | 17 | 19 | 17 |

ARLINGTON HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|----------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Menotomy Manor | 176 | 0 | 0 | 2 |
| Drake Village | 72 | 0 | 0 | 0 |
| TOTAL | 248 | 0 | 0 | 2 |

BARNSTABLE HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|----------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| General Patton | 40 | 4 | 10 | 12 |

BROOKLINE HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|---------------------------|--------------|---------------------------|----------|----------|
| | | 1960 | 1961 | 1962 |
| Egmont Street Development | 114 | 0 | 0 | 4 |
| High Street Development | 117 | 0 | 0 | 1 |
| Marion Street Development | 60 | 0 | 0 | 0 |
| TOTAL | 291 | 0 | 0 | 5 |
| FEDERAL PROGRAM | | | | |
| Walnut Street | 100 | — | — | 2 |

CHELSEA HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 350 | 0 | 0 | 1 |
| FEDERAL PROGRAM | | | | |
| | 200 | 0 | 1 | 2 |

EVERETT HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-----------------------------|--------------|---------------------------|-----------|-----------|
| | | 1960 | 1961 | 1962 |
| Corbett Hill | 268 | 0 | 17 | 17 |
| Winthrop Road | 60 | 0 | 3 | 2 |
| Cherry Street | 64 | 0 | 3 | 3 |
| Golden Age Circle (Elderly) | 40 | 0 | 0 | 0 |
| Proctor Road | 120 | — | 1 | 1 |
| TOTAL | 552 | 0 | 24 | 23 |

FRAMINGHAM HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 276 | 1 | 1 | 1 |
| FEDERAL PROGRAM | | | | |
| | 125 | 1 | 1 | 2 |

LAWRENCE HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|--------------------------------|--------------|---------------------------|----------|-----------|
| | | 1960 | 1961 | 1962 |
| Stadium Courts | 256 | 1 | 3 | 6 |
| Hancock Courts | 195 | 3 | 3 | 25 |
| TOTAL | 451 | 4 | 6 | 31 |
| FEDERAL PROGRAM | | | | |
| Merrimack Courts | 292 | 4 | 4 | 3 |
| Beacon Courts | 208 | 1 | 0 | 1 |
| TOTAL | 500 | 5 | 4 | 4 |
| HOUSING FOR THE ELDERLY | | | | |
| Rev. James O'Reilly | 83 | — | — | 0 |
| Rev. C. Bertrand Bower | 24 | — | — | 0 |
| Msgr. Edmond D. Daly | 30 | — | — | 0 |
| TOTAL | 137 | | | 0 |

LOWELL HOUSING AUTHORITY

| STATE PROGRAM | <i>No. of Units</i> | <i>No. of Non-White Families</i> | | |
|------------------------|---------------------|----------------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Gorham Street | 292 | 1 | 0 | 1 |
| Lakeview Avenue | 12 | 0 | 0 | 0 |
| Aiken Street | 20 | 0 | 0 | 0 |
| Concord Street | 16 | 0 | 0 | 0 |
| Hale Street | 15 | 0 | 0 | 0 |
| TOTAL | 355 | 1 | 0 | 1 |
| FEDERAL PROGRAM | | | | |
| North Common Village | 536 | 0 | 0 | 1 |
| Chelmsford Street | 165 | 0 | 0 | 0 |
| Bishop Markham Village | 372 | 0 | 3 | 1 |
| TOTAL | 1,073 | 0 | 3 | 2 |

MALDEN HOUSING AUTHORITY

| STATE PROGRAM | <i>No. of Units</i> | <i>No. of Non-White Families</i> | | |
|-----------------|---------------------|----------------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 282 | 2 | 1 | 1 |
| FEDERAL PROGRAM | 250 | 10 | 12 | 12 |

MEDFORD HOUSING AUTHORITY

| STATE PROGRAM | <i>No. of Units</i> | <i>No. of Non-White Families</i> | | |
|-----------------|---------------------|----------------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 150 | 2 | 2 | 2 |
| FEDERAL PROGRAM | 150 | 2 | 2 | 2 |

REVERE HOUSING AUTHORITY

| STATE PROGRAM | <i>No. of Units</i> | <i>No. of Non-White Families</i> | | |
|-------------------------|---------------------|----------------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 286 | 0 | 0 | 0 |
| FEDERAL PROGRAM | 149 | 0 | 0 | 0 |
| HOUSING FOR THE ELDERLY | 82 | — | — | 0 |

SOMERVILLE HOUSING AUTHORITY

| STATE PROGRAM | <i>No. of Units</i> | <i>No. of Non-White Families</i> | | |
|----------------------|---------------------|----------------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Mystic River | 240 | 0 | 0 | 0 |
| Clarendon Hill | 216 | 0 | 0 | 0 |
| Capon Court | 64 | 1 | 1 | 2 |
| TOTAL | 520 | 1 | 1 | 2 |
| FEDERAL PROGRAM | | | | |
| Mystic View | 216 | 1 | 1 | 0 |
| Highland Garden | 42 | 0 | 0 | 2 |
| Prospect Hill Towers | 100 | — | — | 2 |
| TOTAL | 358 | 1 | 1 | 4 |

TAUNTON HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|----------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Riverside Apartments | 102 | 10 | 11 | 13 |
| Highland Heights | 40 | 2 | 2 | 3 |
| TOTAL | 142 | 12 | 13 | 16 |
| FEDERAL PROGRAM | | | | |
| Fairfax Gardens | 150 | 8 | 13 | 13 |

WATERTOWN HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|--------------------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| West End | 168 | 0 | 0 | 0 |
| East End | 60 | 0 | 0 | 0 |
| Waverly Avenue (Elderly) | 40 | — | 0 | 0 |
| TOTAL | 268 | 0 | 0 | 0 |

WEYMOUTH HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|---------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 208 | 1 | 1 | 1 |

WINTHROP HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|---------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| | 73 | 0 | 0 | 0 |

WOBURN HOUSING AUTHORITY

| STATE PROGRAM | No. of Units | No. of Non-White Families | | |
|-----------------|--------------|---------------------------|------|------|
| | | 1960 | 1961 | 1962 |
| Creston Avenue | 68 | 0 | 0 | 0 |
| Webster Avenue | 60 | 0 | 0 | 0 |
| Liberty Avenue | 48 | 0 | 0 | 0 |
| TOTAL | 176 | 0 | 0 | 0 |
| FEDERAL PROGRAM | | | | |
| Spring Court | 100 | 1 | 1 | 1 |

FAIR EDUCATIONAL PRACTICES

Secondary Schools

The admissions policies and practices of the Independent (private) secondary schools in Massachusetts were made the subject of intensive study by the Commission during the past year. Of the 175 Independent schools of the secondary level over half were visited in person. The rest were contacted by mail and telephone. Time did not allow for all Independent schools to be visited prior to this report. The study will be continued until all schools have been visited. The check disclosed that four schools have closed their doors; two new schools were opened and at least five more were reported to be organizing for opening at some future date.

Twelve schools were found to be obtaining information by means of questions on their admission applications and/or correspondence prior to the admission of applicants which were judged to be of a discriminatory nature by the Commission. Four

schools were still asking for the "place of birth" of the applicant; two were asking "birthplace of father and mother"; two schools not classified as "religious or denominational institutions" were asking about the church of attendance; and four were asking for photographs. The violative questions not found on the admission applications were found to be in follow-up correspondence from the school acknowledging the receipt of an application. The requests for photographs were not made outright but were couched in such language as "... the applicant may submit a recent photograph or snap-shot if he wishes to."

In those instances where the schools were seeking information in violation of the law, they were advised and given an explanation of the Fair Educational Practices Act. All deleted the violative questions and made the necessary revisions to bring about compliance with the law. All of the secondary schools visited stated that they now understand the provisions of the Fair Educational Practices Act and realize that questions and information with reference to the birth, race, religion and photograph of applicants may not be obtained until the applicant has been accepted for admission. The admission officers were cautioned also not to try to obtain such information through oral interviews prior to admittance. One case was found where casual questions about "the groups you belong to" elicited information about the church attended.

In the public high school field contacts were made with 53 schools where copies of the Commission's brochure "Discrimination — Danger to Democracy" were being used in social studies classes. The entire supply of the latest printing (1962) of this combined work of the Commission and the Massachusetts Department of Education was exhausted early in the year. Over 9,000 copies were requested by school officials. The Commission received numerous favorable comments on the brochure from teachers of Sociology, Problems of Democracy, U. S. History and State Government. The Commission contemplates having additional copies published and available for distribution in 1963.

Colleges

Few complaints have been received with regard to admission practices at the college level. The Commission has continued to maintain contact with the Directors of Admission. In nearly all instances the latter have been helpful and cooperative. With reference to complaints one institution was found to maintain an admission application which asked "place of birth." This violative question was deleted. Two other institutions were discovered that asked discriminatory questions or suggested that photographs be supplied by applicants. These two were at the graduate school level and the admission officers explained that they were desirous of acquiring the photographs of foreign students who could not be interviewed prior to admission. Since the law does not permit exemptions relative to foreign students, the admission officers were not permitted to have photographs. Such information as is needed to establish desirability and eligibility is to be secured through references and other questions.

The colleges of the Commonwealth have initiated action on their own concerning the practices of racial and/or religious discrimination by Greek letter fraternities. A number of the colleges have established rules that prohibit fraternities and sororities which discriminate, from operating on their campuses.

EDUCATION AND COMMUNITY RELATIONS

Negro Apprentice Survey

On February 2, 1962 Mr. James M. Harkless, chairman, Labor Committee, Boston Branch, National Association For The Advancement Of Colored People and its executive secretary, Edward L. Cooper, conferred with the Commission to request that a survey be made in Boston to determine the number of Negro apprentices indentured in a formal apprenticeship training program.

With the assistance of Hubert L. Connor, Director, Division of Apprentice Training, Massachusetts Department of Labor and Industries, and John McDonough, Assistant Director, a plan was drawn up to survey 138 local unions.

On March 9, 1962 and April 6, 1962 the Commission met with the NAACP officials and with Messrs. Connor and McDonough to discuss and analyze the returns of the questionnaire.

On June 29, 1962 the Commission announced that the survey had been completed. The following is a compilation of certain facts gathered in the survey.

There were 138 local unions contacted by letter or personal visit in the survey to determine the number of Negroes receiving training as apprentices.

Answers to the questionnaire sent to the 138 unions were obtained from 122.

Fifty of the unions reported participation in an active apprenticeship program.

The fifty unions had a total membership of 21,689 of which 319 or 1.4% were Negroes.

There were 1,297 indentured apprentices, fifteen (15) of whom or 1.1% were Negroes.

Ten unions reported that applicants should apply to the Joint Apprentice Council of their particular trade.

Nine unions recommended applying directly to the union officials.

Twenty-six unions stated that the employers appointed the personnel to be apprenticed.

Five unions had apprentices selected by Federal Civil Service examinations.

Each union declared that a qualified Negro would be given equal opportunity.

The age requirement ranged from seventeen to twenty-four years of age.

The applicant was required to be in good health and of good moral character.

All required a high school diploma.

Council Activities

Chapter 151B of the General Laws, Section 3, Paragraph 8, empowers the Commission "To create such advisory agencies and conciliation councils . . . as in its judgment will aid in effectuating the purposes of this chapter . . . Such councils shall be composed of representative citizens serving without pay . . ."

This year the Commission has added an Advisory Council on Housing to its lists of Councils making the number nine.

The Commission has benefited greatly by the interest and assistance of its councils. For a year or more the idea of organizing an Advisory Council on Housing had been under consideration. The Fair Housing Federation and its numerous local Housing Committees applauded such a step and felt it would be very advantageous to have the housing industry represented. With the help of leaders in the housing industry plans were completed for a Council made up of representatives of the housing industry and representatives of the various groups most concerned with promoting integrated housing.

On June 29, 1962 an invitation to join such a Council was sent out and a unanimous acceptance was received.

Twenty-seven members attended the first meeting on October 16, 1962. At that meeting the agenda discussed was — 1. Who's Who? 2. The Law Against Discrimination as Applied to Housing. 3. The Functions of the Commission. 4. How it Operates with Respect to Enforcement; to Education. 5. Areas for Future Study.

The fifth item received the most attention. It was the consensus that a Steering Committee should be appointed by the Commission to plan the agenda for the next meeting and subsequent meetings. This Steering Committee is made up of Robert E. Segal, Chairman, Maurice E. Frye, Jr., Alan Gartner, Alfred W. Halper, John W. Kunhardt, and Mrs. Muriel Snowden.

A number of bills had been brought to the attention of the Commission. These were referred to the Steering Committee and subsequently to the entire Council.

In early December the three MCAD Commissioners decided to sponsor one of these bills drafted originally by Mr. Halper and this bill S-350 was presented to the General Court by Senator Leslie B. Cutler and Senator A. Frank Foster. Because this bill can be of such importance it is quoted in full.

"SENATE No. 350

By Mr. Foster, petition of Mildred H. Mahoney, A. Frank Foster, Leslie B. Cutler

and others for legislation to extend the application of the Massachusetts fair practices law with regard to housing. Mercantile Affairs.

AN ACT EXTENDING THE APPLICATION OF THE MASSACHUSETTS FAIR PRACTICES LAW.

Section 1. The general court hereby finds and declares that the availability to the inhabitants of the commonwealth of the right to purchase or rent housing accommodations free from discrimination because of race, creed, color, or national origin is necessary to the health, safety, morals and general welfare of the public; that a major portion of the housing offered to the general public for sale or rental is not subject to the present fair practices law of the commonwealth; that discrimination in the sale and rental of such housing tends to restrict certain minority groups to relatively small areas, and tends to encourage slum conditions through density of population, with concomitant congestion and exposure to crime and disease; tends to force certain minority groups into substandard housing; with disproportionately high rents and restricted educational, employment and recreational opportunities; that urban renewal, highway construction and other governmental programs have displaced and are displacing large numbers of families of certain minority groups; that the aforesaid housing discrimination tends to impede the relocation of such families, and tends to force them into the aforesaid relatively small and already overcrowded areas, thus intensifying and further aggravating all of the problems set forth above; that on certain income levels a shortage of housing exists from which because of discrimination certain minority groups suffer to a disproportional extent and that for all of the aforesaid reasons the enactment of this act is a public necessity.

Section 2. Section one of chapter one hundred fifty-one B of the General Laws is hereby amended by inserting after sub-division twelve, inserted by chapter two hundred thirty-nine of the acts of 1959, the following subdivision:—13. The term "other covered housing accommodations" includes all housing accommodations not specifically covered under subsections 10, 11, and 12 which are directly or through an agent made generally available to the public for sale or lease or rental, by advertising in a newspaper or otherwise, by posting of a sign or signs or a notice or notices on the premises or elsewhere, by listing with a broker, or by any other means of public offering.

Section 3. Section four of chapter one hundred fifty-one B of the General Laws is hereby amended by inserting after subsection six, as amended by chapter one hundred twenty-eight of the acts of 1961, the following subsection:—7. For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other covered housing accommodations or of land intended for the erection of any housing accommodation included under subsections 10, 11, 12 or 13 of section 1, or other person having the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale or lease of such land or accommodations, or any agent or employee of such a person:—(a) to refuse to rent or lease or sell or negotiate for sale or lease or otherwise to deny to or withhold from any person or group of persons such accommodations or land because of the race, creed, color, national origin or national ancestry of such person or persons; (b) to discriminate against any person because of his race, creed, color, national origin or national ancestry in the terms, conditions or privileges of such accommodations or land or the acquisition thereof, or in the furnishing of facilities and services in connection therewith; or (c) to cause to be made any written or oral inquiry or record concerning the race, creed, color, national origin or national ancestry of the person seeking to rent or lease or buy any such accommodation or land; provided, however, that this subsection 7 shall not apply to the leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of which is occupied by the owner as his residence."

The State Advisory Council was consulted by the Commission on state-wide policies. Its major concerns of this year were studies of school situations; the organization of the Commission and the requests for an allocation of its budget.

Council membership remains remarkably constant. Many present Council members can trace their service on their respective Councils back to the original Council meeting. This devoted and continuing interest greatly gratifies the Commission. New

members are also thoroughly appreciated and each year witnesses additions which is proof that the problem of discrimination and its evil results are a challenge to thoughtful civic-minded citizens and evoke their cooperation and support.

This year Mr. Roger L. Putnam was welcomed back to the chairmanship of the Springfield Council. Springfield was the first Advisory Council and Mr. Putnam its first chairman. Mr. Archie Burack serves with him as vice-chairman. The Springfield Council and the Commission greatly regret the death of former chairman Charles V. Ryan who served as chairman for several years. The Council and Commission are happy that they can now work in close cooperation with the Springfield Human Relations Commission appointed by Mayor Charles V. Ryan, Jr. Since a budgetary allowance was not forthcoming to establish a branch office in Springfield to serve the western part of the State, an arrangement was made to have the Springfield City Clerk receive complaints and send them on to the MCAD if they came within its jurisdiction or to the Mayor's Human Relations Commission if it was not a matter dealing with discrimination in employment, education, public accommodations or housing. It seemed to both Commissions that such an arrangement would facilitate the filing of complaints but such has not been the result. This year the Commission again requested a budgetary allowance for a branch Springfield office.

The Council and especially the Council chairman has done much to promote interest and cooperation in the housing area.

A study of apprentice training opportunities has been commenced by the MCAD but is not completed.

Professor James McGregor Burns resigned his chairmanship of the Berkshire County Council because of his extremely demanding schedule. He will remain as a member of the Council. He is succeeded by Council member Nelson F. Hine. As a result of questions asked at the spring meeting of the Berkshire County Council the Commission's statement on housing was considerably revised after consultation with the Attorney General's office. It now reads:

FAIR HOUSING LEGISLATION IN MASSACHUSETTS

PUBLIC HOUSING

No person shall, because of race, color, creed or religion, be subjected to any discrimination or segregation in public housing projects.

PUBLIC ACCOMMODATIONS

Rooming Houses, Lodging Houses, Guest Houses, Tourist Homes

In regard to the renting of rooms if the place in which the room or rooms are located is open to the public and accepts or solicits the patronage of the general public for housing, lodging, board, rest or recreation, such a place irrespective of whether it is licensed or unlicensed and irrespective of the number of guests whether they are permanent or transient is covered by the law of public accommodations.

Real Estate Offices

A real estate office is a place of public accommodation. A licensed real estate agent or broker, therefore, may not discriminate against any person seeking his services because of the race, religious creed or color of such person.

PRIVATE HOUSING

Discrimination in Private Housing has been outlawed in Massachusetts in the following situations:

Rental of Apartments

No person may be refused because of his race, religious creed, color or national origin the right to rent an apartment in any building containing three or more rental units.

Purchase of Homes

No person may be refused because of race, religious creed, color or national origin the right to buy a home in any housing development containing ten (10) or more housing accommodations.

Mortgage Loans

As of June 7, 1960 no person engaged in the granting of any mortgage loan may discriminate on the basis of race, color, religious creed, national origin or ancestry against any person seeking such a loan.

Injunctive Relief

Chapter 570 of the Legislative Acts of 1961 authorizes a commissioner to seek injunctive relief and outlines the procedure to be followed in petitioning the courts when seeking this relief against persons accused of unlawful discrimination in housing.

The Council had designated this spring meeting to consider the situation in places of public accommodation. Was the atmosphere in the Berkshires as thoroughly welcoming as Council members wished it to be? The Council members and guests attending the meeting were pleased with the reports that were given. Two important sub-committees have been appointed by Chairman Hine: The Liaison Committee to the Pittsfield Housing Authority Relative to the Urban Renewal Program consisting of Emil Metropole, Dr. Feland A. Nevers, Jay C. Rosenfeld, Samuel Sass and Frank Walker, and the Special Committee to Screen and Facilitate Complaints consisting of LaFayette Walker, Lincoln Cain and Samuel Sass.

Council programs have varied widely this year. The major interests of the Boston Council were in Urban Redevelopment; a Study of Apprentice Training Opportunities and A Study of Public School Transfers in the Roxbury Area of Boston. A request was made for a study of the degree of integration in housing for the elderly.

The Cape Cod Council again reports a marked increase in the recognition given to colored citizens. As one illustration, two prominent colored business men are now members of the Hyannis Board of Trade. Council members were very helpful in the reception and assistance given to "Reverse Freedom Riders." Schools, businesses, hotels and motels are reported as maintaining their very cooperative attitude.

In New Bedford, radio stations have given fine support to the work of the Council. Spot radio announcements covering one or more phases of the work of the Commission and Council in eliminating discrimination in education, employment, public accommodations and housing were well received. Many complimentary comments were heard by Council members relative to an entire program devoted to MCAD and sponsored by an inter-church Council.

Members of the North Shore Council asked that special resource material be prepared for them which might be used in talks directed to other groups of which they are members. Dr. Thomas J. Curtin, a charter member of the Council, has again agreed to revise the study unit for secondary schools "Discrimination — Danger to Democracy." The meeting early in the Council year with the Lynn and Salem Real Estate Boards was very satisfactory.

A new sub-committee was appointed by Mr. Andrew B. Holmstrom, Chairman of the Worcester Council. Its function is to secure speaking engagements for Council members. Mrs. Daniel Farber accepted the chairmanship of this committee. Reverend Michael P. Bafaro and Miss Anna Mays will serve with her. The Council requested that the housing survey of last year be continued. The Council wanted information as to what degree of integration now obtains in Worcester housing. It is increasing its membership to include representatives of the building industry. The Worcester Council as usual has been very effective in preventing the occasion for complaints.

LIST OF COUNCIL MEMBERS

STATE ADVISORY COUNCIL MEMBERSHIP

John J. Desmond, Jr., *Chairman*, Former State Commissioner of Education
 Dr. Gordon W. Allport, Professor of Psychology, Harvard University
 Rt. Rev. Robert P. Barry, LL.D., St. Clement's Church, West Somerville
 Clarence Q. Berger, Dean of University Planning and Development, Brandeis University
 Charles C. Dasey, Retired Manager, Cunard White Star Line; Secretary Emeritus, Rotary Club of Boston
 Roland B. Gittelsohn, Rabbi, Temple Israel of Boston
 Dr. Owen B. Kiernan, Commissioner of Education, Commonwealth of Massachusetts
 Rt. Rev. Anson Phelps Stokes, Jr., Bishop of the Protestant Episcopal Diocese of Massachusetts
 Howard Thurman, Dean, Marsh Chapel, Boston University

REGIONAL COUNCIL MEMBERSHIP

Berkshire County

Nelson F. Hine, *Chairman*
 Bruno Aron, Proprietor, Sunnysbank, Lenox
 Samuel E. Bloomberg, Attorney at Law
 Dr. James M. Burns, Williams College
 J. Robert Busch, President, Berkshire Hills Conference
 Lincoln S. Cain, Attorney at Law
 John E. Coughlin, Painters' Union, Local No. 94
 Bruce Crane, President, Crane & Company, Inc., Dalton
 Dennis J. Duffin, Lenox
 W. Rankin Furey, President, Berkshire Life Insurance Company
 David L. Gunn, Berkshire County Branch, NAACP
 G. B. Langford, Manager of Components Engineering, Ordnance Department, General Electric Company, Pittsfield
 Albert F. Litano, Local No. 225, IUE-CIO, Pittsfield
 Hans K. Maeder, Director, The Stockbridge School, Interlaken
 Emil Metropole, Realtor
 Feland A. Nevers, D.D.S.
 William J. Nolan, Sprague Electric Company, North Adams
 Arthur B. Phinney, Unitarian Church, Pittsfield
 Miss L. Alberta Pierce, NAACP
 Mrs. Henry N. Rollison, Pittsfield
 Jay C. Rosenfeld, Rosenfeld's, Inc., Pittsfield
 Dr. Edward J. Russell, Pittsfield
 Samuel Sass, Pittsfield
 Hon. Paul A. Tamburello, United States Commissioner
 Frank T. Walker, President, New England Regional Conference, NAACP
 LaFayette W. Walker, NAACP, Pittsfield

Boston

Carl J. Gilbert, *Chairman*, The Gillette Company, Chairman of the Board
 Norman H. Abbott, Boston University, Director of Placement
 Julius Bernstein, Executive Secretary, Mass. AFL-CIO, Civil Rights Committee; Regional Director, Jewish Labor Committee
 Frederic C. Church, Senior Partner, Boit, Dalton & Church
 John V. Connolly, Business Manager, Boston Photo Engravers' Union No. 3
 Hubert L. Connor, Director of Apprenticeship, Division of Apprentice Training, Mass. Department of Labor and Industries

Norris G. Davis, Funeral Director, Davis Funeral Home
 John E. Dady, Secretary-Treasurer, Boston Building and Construction Trades Council
 William H. Eastman, Second Vice President, John Hancock Mutual Life Insurance Company
 Stephen W. Fardy, Executive Secretary, Boston Allied Printing Trades Council
 Harold D. Hodgkinson, Chairman, William Filene's Sons Company
 Ernest A. Johnson, Vice President, Massachusetts Building Congress
 James H. Mumma, Director of Personnel Administration, Raytheon Company, Lexington
 Thomas A. Pappas, President, C. Pappas Company, Inc.
 Leonard T. Peters, Executive Vice President, Peters Employment Service, Inc.
 Sidney R. Rabb, Chairman of the Board, Stop and Shop, Inc.
 Paul T. Rothwell, Chairman of the Board, Bay State Milling Company
 Arthur Seserman, Executive Vice President, Boston Branch National Metal Trades Association
 James J. Urban, Vice President, New England Telephone and Telegraph Co.
 F. Frank Vorenberg, President, Gilchrist Company
 Leslie E. Woods, Labor Advisor and Consultant, Raytheon Company, Lexington

Cape Cod

Dr. Lewis Paul Todd, *Chairman*, Editor, "Social Education"
 Dr. Irving H. Bartlett, Director, Cape Cod Community College, Hyannis
 James J. Bento, Attorney at Law
 Harvard H. Broadbent, Superintendent of Schools, Hyannis
 Anthony Casella, Chairman, Yarmouth School Committee
 Moncrieff M. Cochran, Guidance Director, Nauset Regional High School
 Norman H. Cook, Executive Secretary, Cape Cod Chamber of Commerce
 Manuel Corey, Jr., Falmouth
 Charles A. Coyle, Executive Secretary, Massachusetts Hotel Association
 Rt. Rev. Leonard J. Daley, Pastor, St. Francis Xavier Church
 Miss Eugenia Fortes, Hyannis
 Mrs. Roma M. Freeman, Physical Education & Science Teacher, Barnstable Junior High School
 Joseph Gomes, Osterville
 Arthur C. Goode, Vice President, Retail Board of Trade, Hyannis
 Jack Graiver, Falmouth
 Harold L. Hayes, Jr., Attorney at Law
 John T. Hough, Falmouth Publishing Company
 Mrs. John T. Hough, Falmouth
 Joseph Indio, Editor and Publisher, "Nantucket Town Crier"
 Charles W. Jacoby, President, Cape Cod Board of Realtors
 Allen F. Jones, Contractor, Barnstable
 James H. Kennedy, Employment Office Manager, Mass. Division of Employment Security, Plymouth
 John C. Linehan, Principal, Barnstable Junior High School
 Thomas F. McKeon, Executive Secretary, Hyannis Board of Trade
 Harry S. Merson, Superintendent of Schools, Falmouth
 Mrs. Harry S. Merson, Falmouth
 Ben Morton, Secretary, Chamber of Commerce, Martha's Vineyard
 Norman Nunes, Supervisor, Hood Milk Company
 Mrs. Lillian Olson, Treasurer, Hyannis Cooperative Bank
 John Pena, Contractor, Member State Board of Agriculture, West Falmouth
 Mrs. John Pena, Special Policewoman, Falmouth Police Department
 Howard Penn, Former President, Cape Cod Jaycees
 Rabbi Jerome Pine, Cape Cod Synagogue, Hyannis
 Thomas Roderick, Teen-Age group coordinator, Hyannis
 John Rosario, Member Junior Chamber of Commerce

Rev. Carl Fearing Schultz, D.D., The Federated Church of Hyannis
 Miss Mary G. Shea, "Dennis-Yarmouth Register," Yarmouthport
 Frank Simmons, Sr., Guest House owner, Falmouth
 Warren Sperl, Assistant Treasurer, Cape and Vineyard Electric Company
 Richard F. Tobin, Public Relations
 Mrs. Lewis Paul Todd, Truro
 Mrs. Helen M. Webster, Realtor, West Yarmouth
 Harold H. Williams, Vice Chairman, State Advisory Committee on Service to Youth
 Mrs. Minna Witt, Proprietor, Admiral Hotel, Hyannis

New Bedford

Fred W. Steele, *Chairman*, Legislative Agent and Counsel for Textile Mills of Massachusetts
 Mrs. Valentina N. Almeida, Principal Clerk, City Auditor's Office
 Joseph Baldwin, Employment Manager, Division of Employment Security, New Bedford
 Samuel Barnet, Special Justice, Third District Court of Bristol County
 Henry A. Bartkiewicz, Attorney at Law, Secretary, Polish Relief Committee of New Bedford
 James M. Buckley, Director of Adult Education, New Bedford Public Schools
 George E. Carignan, International Representative, Textile Workers' Union of America, AFL-CIO
 Joaquim A. Custodio, Lancashire Corporation, New Bedford
 Duncan A. Dottin, Social Worker, Division of Child Guardianship, New Bedford
 Rev. Edmund G. Francis, S.S.C.C., Pastor, St. Mary's Church, Fairhaven
 Rev. Edward A. Hailes, Union Baptist Church, New Bedford
 Mrs. William S. Holmes, Jr., Director and Past President, Council of Women's Organizations of Greater New Bedford
 Harold Hurwitz, Attorney at Law
 Hyman Krivoff, President and Treasurer, Dartmouth Finishing Corporation, New Bedford
 Miss Ruth B. McFadden, Former Superintendent of Schools, New Bedford
 George F. McGovern, Retired Works Manager, Revere Copper and Brass, Inc.
 Joao R. Rocha, Newspaper Publisher and Editor, "Portuguese Daily News"
 Marshall Sawyer, Teacher, Wareham High School
 Fermino J. Spencer, New Bedford School Department
 Mrs. Dorothy B. Stahre, Principal, New Bedford Public Schools
 Joseph A. Sylvia, Jr., Register of Deeds, New Bedford
 The Hon. August C. Taveira
 Alfred R. Thackeray, Executive Secretary, New Bedford Board of Commerce
 Mrs. Xenophon Thomas, New Bedford
 Philip F. Tripp, Executive Director, New Bedford Housing Authority
 William Joseph Winsper, III, Assistant Director of Guidance and Placement, New Bedford High School
 Mrs. William Wood, Secretary of New Bedford Board of Real Estate
 Donald Zeman, Attorney at Law
 Mrs. Anthony Zielinski, Women's Republican Club of New Bedford Executive Board
 Rabbi Bernard H. Ziskind, Tifereth Israel Synagogue

North Shore

Henry Kozlowski, *Chairman*, Treasurer, Jackson & Phillips, Inc.
 Alfred A. Albert, Real Estate Broker
 Anthony Athanas, President, Hawthorne Restaurants, Lynn-Swampscott
 Samuel P. Backman, Realtor, Chairman, Industrial Commission of Lynn
 Mrs. Mary Finn Berlyn, Supervisor, Adult Civic Education, Lynn Public Schools

Louis L. Brin, Editorial Staff, The Jewish Advocate
 S. Matthew Carrington, Sr., President of Greater Lynn Council of Churches
 Thomas J. Curtin, Director, Division of Civic Education, Massachusetts Department of Education
 Mrs. Solomon M. Feldman, Jewish Community Federation
 Peter Gamage, Publisher, "Lynn Item"
 Abraham Glovsky, Senior Partner, Glovsky & Glovsky
 Mrs. Charles F. Haywood, Chief Librarian, Lynn Public Library
 Francis L. Keane, School Adjustment Counselor, Lynn Public Schools
 John M. Lilly, General Secretary, Lynn YMCA
 Herbert D. Marsh, President, Security Trust Company, Lynn
 Lawrence G. McGinn, Superintendent of Schools, Lynn School Department
 Mrs. Marcia L. Memmott, Director, Women's Division, Mass. Department of Commerce
 Mrs. William H. Nesbit, Lynn
 Theodore Regnante, Chairman, Board of Trustees of Lynn Public Library
 Rev. Edgar D. Romig, Rector, St. Stephen's Episcopal Church Lynn, President, Greater Lynn Council of Churches
 Armand J. St. Laurent, Funeral Director
 Rabbi Steven S. Schwarzschild, Temple Beth El, Lynn
 Rt. Rev. Cornelius T. H. Sherlock, Pastor, St. Mary's Parish, Lynn
 Dr. William D. Washington, Lynn
 William A. Welch, Executive Secretary-Treasurer, Mass. Association of School Superintendents

Springfield

Roger L. Putnam, *Chairman*, Chairman of the Board, Package Machinery Company
 Mrs. Richard B. Anderson, Public Affairs Committee, Community Council of Greater Springfield
 Archie Burack, Treasurer, Industrial Buildings Corporation, Chicopee
 Miss Clarace E. Galt, Head Psychiatric Social Worker, Child Guidance Clinic of Springfield
 George C. Gordon, Real Estate & Insurance
 Mrs. Richard J. Griffin, Jr., President of Civic Association Presidents
 Miss Alice L. Halligan, Executive Secretary, Springfield Adult Education Council
 Miss Olive K. Horrigan, Retired Director of Adult Education, Springfield School Department
 Raymond T. King, Attorney at Law
 Robert G. Little
 A. Benjamin Mapp, Executive Director, Urban League of Springfield
 Bernard H. McMahon, President, Springfield Five Cents Savings Bank
 Mrs. Roger L. Putnam, President of Catholic Scholarships for Negroes, Inc.
 Frederick B. Robinson, Director, Museum of Fine Arts, Springfield
 James J. Shea, President, Milton Bradley Company
 Dr. Hans Spiegel, Director, Community Tensions Center, Springfield College
 Charles ViVenzio, Financial Secretary, Local No. 202, AFL-CIO
 Mrs. Malcolm C. Webber
 Rev. D. Edward Wells, Pastor, Mount Calvary Baptist Church, Springfield

Worcester

Andrew B. Holmstrom, *Chairman*, Consultant, Norton Company
 Rev. Michael Paul Bafaro, Roman Catholic Diocese of Worcester
 Mrs. Mary L. Boyd, NAACP Executive Board
 Lyscom A. Bruce, Retired Executive Secretary, Community Chest and Council of Greater Worcester
 Rev. Hubert C. Callaghan, S.J., Director, Institute of Industrial Relations, College of the Holy Cross

Miss S. Virginia Carrier, Executive Director, Worcester YWCA
 Daniel J. Casale, District Superintendent, Mass. Division of Employment Security
 Donald S. Donnelly, Chief Supervisor, Mass. Division of Employment Security
 Clayton T. Drown, Accounting Supervisor, Norton Company
 Mrs. Linwood M. Erskine, Member Worcester Area Committee on Aging
 Mrs. Daniel Farber
 The Hon. Joseph Goldberg, Central District Court, Worcester
 Dr. Ralph L. Holland, Executive Secretary, Greater Worcester Area Council of Churches
 Dr. Howard B. Jefferson, President, Clark University, Worcester
 Rabbi Joseph Klein, Temple Emanuel, Worcester
 Miss Clover G. Knowlton, Chairman, Commission on Christian Social Concerns, Wesley Methodist Church
 John S. Laws, Principal, Dix Street School, Worcester
 Miss Anna Mays, Life member of NAACP, New England Regional Conference
 Philip M. Morgan, President, Morgan Construction Company
 Mrs. Stanley W. Norwood, The Bancroft School
 Walter A. Olson, Executive Director, Family Service Organization of Worcester
 Harry W. Oswell, Honorary Vice-President, New England Regional NAACP
 Edson D. Phelps, Vice President, State Mutual Life Assurance Company of America
 Mrs. Thomas L. Porter, President, Massachusetts State Federation of Women's Clubs
 Mrs. Richard B. Roberts, League of Women Voters
 Mrs. Dorothy L. Salter, President, Salter Secretarial School
 Luther C. Small, Executive Director, Worcester Housing Authority
 Mrs. George E. Spence, Scholarship Chairman, Women's Service Club, YWCA
 Roy H. Stevens, District One, United Steelworkers of America
 Dr. Joseph Weinreb, Director, Worcester Youth Guidance Center

Advisory Council on Housing

Mrs. Melnea A. Cass, President, Boston Branch NAACP
 George A. Coleman, President, Brokers Institute of the Greater Boston Real Estate Board
 Dr. Thomas J. Curtin, Director, Division of Civic Education, Massachusetts Department of Education
 Richard S. Dodd, VA & FHA Finance Manager, Campanelli Bros., Inc.
 Bertram A. Druker, Partner in the firm of John Druker & Son
 Maurice E. Frye, Jr., Street and Co., Inc.; President, Rental Housing Association of the Greater Boston Real Estate Board
 Alan Gartner, Chairman, Greater Boston CORE
 Marvin E. Gilmore, Jr., Realtor
 Alfred W. Halper, Home Builder
 Ray Hofford, Executive Vice President, Greater Boston Real Estate Board
 Rev. Wayne W. Horvath, Director, Department of Social Relations, Massachusetts Council of Churches
 M. Jacob Joslow, Executive Director, American Jewish Congress, N. E. Region
 Samuel Katz, Director, New England Region, American Jewish Committee
 Sol Kolack, Executive Director, New England Office, Anti-Defamation League of B'nai B'rith
 Rabbi Samuel I. Korff, Rabbinical Court of the Associated Synagogues
 Morris Kritzman, Vice Chairman, Mass. Committee on Discrimination in Housing
 John W. Kunhardt, Vice President, Hunneman & Co., Inc.; Director, Brokers Institute
 Luther Knight Macnair, Executive Secretary, Civil Liberties Union of Mass.
 Robert McPeck, Executive Vice President, Home Builders Association
 J. Westbrook McPherson, ACSW, Executive Director, Urban League of Greater Boston, Inc.

Edward C. Mendler, Jr., President of Fair Housing, Inc.

Rev. John J. O'Brien, S.T.D., Chaplain, Catholic Interracial Council of Boston

George B. Pettengill, Fair Housing Federation of Greater Boston

L. Robert Rolde, Representing Rental Housing Association of Greater Boston

Robert E. Segal, Executive Director, Jewish Community Council of Metropolitan Boston

Milton H. Shaw, President, Greater Boston Real Estate Board

Arthur L. Singer, Jr., Assistant Dean of Social Science, Massachusetts Institute of Technology

Robert F. Smith, Builder

Dr. Nancy St. John, Chairman, N. E. Community Relations Committee, American Friends Service Committee

Mrs. Muriel S. Snowden, Co-Director, Freedom House, Inc.

A. J. Tambone, President, A. J. Tambone, Inc., Realtors

Mrs. George S. Tattan, Supervisor of Social Service, Division of Immigration and Americanization

William J. White, Managing Director, Brokers Institute of Greater Boston Real Estate Board

Walter K. Winchester, Vice President, First Realty Company of Boston

Raymond H. Young, Attorney at Law

STATISTICAL SUMMARY

November 10, 1946 to December 31, 1962

COMPLAINTS:

| | |
|---|------|
| Initiated and received | 2319 |
| Closed after formal hearing | 7 |
| Closed after investigation and conference | 1291 |
| Closed for lack of probable cause | 777 |
| Closed for lack of jurisdiction | 86 |
| Withdrawn | 107 |
| Pending investigation and conference | 51 |
| Noticed for formal hearing | 0 |

INVESTIGATIONS WITHOUT COMPLAINT:

| | |
|---|-----|
| Initiated by the Commission | 889 |
| Closed after investigation and conference | 674 |
| Closed for lack of probable cause | 198 |
| Transferred to complaint | 8 |
| Pending investigation and conference | 9 |

REGULATING AND SUPERVISING AGE AMENDMENT:

| | |
|---|-------------|
| Initiated by the Commission | 1017 |
| Closed after investigation and conference | 953 |
| Closed for lack of probable cause | 44 |
| Pending investigation and conference | 20 |
| TOTAL | 4225 |

NATURE OF COMPLAINTS AND INVESTIGATIONS:

| | |
|--|------|
| Based upon alleged color discrimination | 1653 |
| Based upon alleged religious discrimination | 381 |
| Based upon alleged discrimination because of race | 66 |
| Based upon alleged discrimination because of national origin | 441 |
| Based upon alleged discrimination because of ancestry | 50 |
| Based upon alleged discrimination because of age | 1634 |

TYPE OF COMPLAINTS AND INVESTIGATIONS:

| | |
|-----------------------------------|------|
| Against employers | 3154 |
| Against employment agencies | 144 |
| Against Labor unions | 37 |
| Others | 67 |
| Public Accommodations | 353 |
| Newspaper Advertising | 145 |
| Public Housing | 17 |
| Publicly Assisted Housing | 28 |
| Private Housing | 254 |
| Fair Educational Practices | 26 |

CIVIL RIGHTS STATUTES ADMINISTERED BY THE COMMISSION

The FAIR EMPLOYMENT PRACTICE LAW was enacted as Chapter 151B of the General Laws by Chapter 368 of the Acts of 1946; amended by Chapter 424 of the Acts of 1947 relative to inquiries into whether an applicant for employment or union membership is a veteran or a citizen; further amended by Chapter 411 of the Acts of 1948 relative to civil service coverage of certain commission employees; further amended by Chapter 479 of the Acts of 1950 changing the name of the Fair Employment Practice Commission to the Massachusetts Commission Against Discrimination and further defining its powers and duties; further amended by Chapter 697 of the Acts of 1950 and Chapter 627 of the Acts of 1962 relative to employment discrimination because of age; further amended by Chapter 588 of the Acts of 1951 relative to compensation of members of the Commission; further amended by Chapter 274 of the Acts of 1955 relative to discrimination by bonding companies.

The FAIR EDUCATIONAL PRACTICES LAW was enacted by Chapter 151C of the General Laws by Chapter 726 of the Acts of 1949; amended by Chapter 334 of the Acts of 1956 giving jurisdiction over the law to the Massachusetts Commission Against Discrimination.

Discrimination in PUBLIC HOUSING, made illegal by Chapter 121, Section 26FF of the General Laws, was further defined to include segregation, and jurisdiction over complaints was given to the MCAD by Chapter 479 of the Acts of 1950.

The PUBLIC ACCOMMODATIONS LAW (Chapter 272, Section 92A and Section 98 of the General Laws) was placed under the jurisdiction of the MCAD by Chapter 479 of the Acts of 1950; amended by Chapter 437 of the Acts of 1953 further defining a place of public accommodation.

The PUBLICLY ASSISTED HOUSING LAW was enacted as an amendment to the fair employment practice law by Chapter 426 of the Acts of 1957.

The PRIVATE HOUSING LAW was enacted as an amendment to the fair employment practice law by Chapter 239 of the Acts of 1959; further amended by Chapter 163 of the Acts of 1960 forbidding discrimination in the granting of mortgage loans.

The PRIVATE HOUSING section of the law was amended by Chapter 128 of the Acts of 1961 to include the sale or negotiation to sell housing accommodations as well as giving the Commission jurisdiction over licensed real estate brokers.

The INJUNCTIVE RELIEF LAW was enacted as an amendment to the fair practices statute by Chapter 570 of the Acts of 1961.